Full Governors
23.09.26

Signed.....

Complaints Policy and Procedure

At Portway Infant School, we undertake to provide a friendly and safe environment in which children will be helped to achieve their potential, both academically and socially. We recognise that sometimes things can go wrong and parents, carers and members of the public may need to make a complaint or raise concerns they have with the school.

Portway Infant School want the complainant to,

- Feel they are listened to,
- Feel that their complaint is important,
- Feel that their complaint has been heard.

Third party providers offering community facilities or services through the school's premises, or using the facilities should have their own complaints procedure in place.

General Principles

- This procedure is intended to allow you to raise a concern or complaint relating to the school or the services that it provides
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances
- To allow for a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. The school upholds a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will not be automatically refused and exceptions will be considered. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
- All complaints should be resolved as quickly as possible
- If a complaint is not from a parent/carer of a child of the school (an example being a member of the public) these should be made directly to the headteacher, preferably in writing.
- All complaints will be recorded formally by the school in a central log.

Raising a concern or Complaint

- **Informal Stage (2-3 school days)** In the first instance speak directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved at this informal stage.

In the case of serious concerns, it may be appropriate to address them directly to the headteacher or, if the complaint is about the headteacher, to the chair of the governing body.

If you are uncertain about whom to contact, please seek advice from the school office or the clerk to the governing body.

- **Formal Stage**
  - **Stage 1 – Headteacher (up to 15 school days – acknowledge receipt of complaint within 3 to 5 school days)**

    If your concern is not resolved at the informal stage, you may put the complaint in writing and pass it to the headteacher. If the complaint is about the headteacher, please pass it to the clerk to governors for the attention of the chair who will be responsible for ensuring that your complaint is investigated appropriately.

    Please ensure, when writing your complaint, to include details that will help the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. It is important that you tell us what you would like to happen to put things right.

    Receipt of your complaint will be acknowledged in writing within 3 – 5 school days together with a copy of the Complaints Policy. You will then then receive a written response to your complaint within a further 10 school days.

    It may be necessary to arrange a meeting with the headteacher to discuss your complaint in order that a comprehensive response may be formed. A friend, interpreter or advocate may accompany you if you wish, to help you in explaining your complaint. **Any complaint about the headteacher will start at Stage 2.**

    It is possible that your complaint will be resolved through a meeting with the headteacher. If not, arrangements will be made for the matter to be referred to the chair of governors.

  - **Stage 2 Chair of Governors (up to 15 school days)**

    The Chair of Governors may invite you to a further meeting to discuss your complaint and to seek a resolution. Again, if you accept that invitation, a friend, interpreter or advocate may accompany you to help you explain your complaint.

    The Chair may also appoint a governor to be an Investigating Officer to undertake a detailed investigation of the complaint. If the complaint requires the appointment of an Investigating Officer, the timescale can be extended, and you will be informed of this.

    Stage two of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the headteacher or clerk to governors will contact the complainant to inform them of the revised target date via a written notification.

    Where the headteacher or chair of governors has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

    If your complaint cannot be resolved with 15 days the chair will inform the complainant and explain why it is taking longer. Reasons for this may be that the complaint is complex and needs more time or someone involved is absent through

sickness or holidays. The Chair of Governors should give a realistic timescale for when your complaint should be resolved. The Chair will inform you when it is expected that the investigation should be completed.

- **Stage 3 Complaints Panel (28 school days)**
  If you remain dissatisfied, you can request that the Governing Body conduct a review into the process followed by the school in dealing with your complaint.

  Prior to a complaint being escalated to involve a formal Complaints Panel meeting, schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
  - an apology
  - an explanation
  - an admission that the situation could have been handled differently or better
  - an assurance that the event complained of will not recur
  - an explanation of the steps that have been taken to ensure that it will not happen again
  - undertaking to review school policies in light of the complaint.

  A panel of three members of the Governing Body will form the Complaints Panel and they will consider the complaint and all the evidence presented. They will then,
  - reach a unanimous, or at least a majority decision, on the complaint
  - dismiss the complaint in whole or in part
  - uphold the complaint in whole or in part
  - decide on any appropriate action, if any, to be taken
  - where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that the problems of a similar nature do not happen again.

  When the complaint has been fully investigated and the hearing has taken place, you should be notified of the **findings** in writing by the Chair of the Panel hearing the complaint or the Governor responsible for the investigation within five school days of the hearing date. You will also be informed how you can take your complaint further if still dissatisfied.

  The report, with findings, should, at the same time, be published to the Chair of Governing Body who will report back to the Governing Body with a table of recommendations taken from the report.

  Any complaint about the Governing Body should be delegated to a named governor (the Chair of the Governing Body), or to a complaints panel previously convened by the full Governing Body.

  It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of liability.

- **Final stage: Appeal**
  If a complaint has completed the school's process and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State using the online form or in writing to:

  Ministerial and Public Communications Division
  Department for Education
  Piccadilly Gate
  Store Street
  Manchester
  M1 2WD

There are exceptional circumstances to when the complaints procedure applies. These are outlined in the 'Exceptional circumstances' section of this policy.

The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing board has acted unlawfully or unreasonably and where it is expedient or practical to do so. In this case, the word "unreasonably" is used in a strict sense and means acting in a way that no reasonable school or governing board could act in the circumstances.

Complaints not covered by this procedure

There are a variety of areas where the complaints procedure does not apply because of other separate statutory procedures being in place. The school will deal with complaints regarding these topics in line with the procedures outlines below.

The following complaints should be directed to the Local Authority (LA),

- Statutory assessments of SEND
- School reorganisation proposals
- Admissions to schools

Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the LADO or the multi-agency safeguarding hub (MASH).

Complaints concerning admissions will be directed to the appropriate admissions authority.

Complaints regarding exclusions will be dealt with in accordance with procedures outlined in the school's Suspension and Exclusion Policy.

The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy. Any whistle-blowers not wishing to raise the issue with their employer will direct their complaint to the Department for Education (DfE).

Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.

Staff grievances and disciplinary procedures will be dealt with in line with the school's Grievance Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. The headteacher will ensure all third-party suppliers have their own complaints procedures in place, and all complaints concerning this should be directed to the service provider.

Complaints about the content of national curriculum should be made to the DfE. Complaints about how the school delivers the curriculum, including RE and RHE, will be dealt with using this complaints procedure.

Any complaints about the content of the daily act of collective worship are dealt with by either:

- The LA.
- The local Standard Advisory Council on Religious Education (RE).
- Another relevant body, e.g., the diocese.

Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this Complaints Procedure.

Requests for information and issues with the school's process for dealing with FOI requests, will be dealt with in accordance with the Freedom of Information Policy.

Exceptional circumstances

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progress through the school's complaints procedure.
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the headteacher or governing board may postpone the complaints procedure.

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 formal assessment of SEND, and decisions to permanently exclude a child.

If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

Managing serial and unreasonable complaints

The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The school will not normally limit the contact complainants have with it; however, the school will not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.

- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaint's procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 procedure 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, complicated and stressful 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 falsified information.
- Publishes unacceptable information on social media or other public forums.

Complainants should limit the numbers of communications with a school while a 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 the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the school's position and their options.
- The complainant contacts the school repeatedly, making substantially the same points each time.

If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about staff or threats towards them, and if the school believes their intent is to disrupt or inconvenience the school.

The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.
In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

Complaints campaigns
For the purposes of this policy, "complaints campaigns" are where the school receives large volumes of complaints that are all based on the same subject.
Where the school becomes the subject of a complaints campaign from complainants who are not connected with the school, a standard, single response will be published on the school's website. If the school receives a large number of complaints about the same subject from complainants who are connected to the school, e.g., parents, each complainant will receive an individual response.
If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

Barring from the premises
The school premises is private property and therefore any individual may be barred from entering the premises. If an individual's behaviour is cause for concern, the headteacher or chair of governors will ask the individual to leave the premises.

The headteacher will notify the parties involved in writing (appendix 1), explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed by the chair of governors or a committee of the governing board, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the headteacher or chair of governors.

Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

Role of the DfE
If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State.

If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint. The Secretary of State will only intervene when they believe that the governing board has acted unlawfully or unreasonably.

They will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.

When making a final decision about a complaint, the school reserves the right to seek advice from the DfE on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

Transferring data
When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.

The school will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained. Information that the school retains relating to a complaint will be stored securely and in line with the school's Records Management and Data Retention policies.

GDPR
Our Data Protection Officer, Mr John Walker, is responsible for dealing with all complaints relating to data protection matters in line with this procedure.

The school complaints policy sets out the complaints process. This will be the basis for dealing with Data Protection Complaints and appeals; a written outcome will be provided.
If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.
If you feel that the school have not dealt with your matter satisfactorily you can complain to the Information Commissioner

By post:
Customer Contact
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Or by email: casework@ico.org.uk

More information is on the ICO website www.ico.org.uk/

This policy has been updated alongside,

- Derby City Council Dealing with Complaints in Schools April 2019
- DfE Best Practice Guidance for School Complaints Procedures 2021

Lisa McSherry
Autumn 2026
To be reviewed autumn 2027

Appendix 1
INSERT NAME
ADDRESS
POSTCODE

DATE

Dear XXX

Further to my warning letter dated [DATE], I have received a further report about your unacceptable behaviour on [DATE] when it was alleged that you [SUMMARY OF INCIDENT, INCLUDING EFFECT UPON STAFF, PUPILS OR OTHER PARENTS].

Portway Infant School will not tolerate behaviour of this nature on its premises and will act to defend its teachers, members of staff, students and their parents, and other members of the school community. I am therefore instructing you that, for a temporary period, you are not to enter or be on the school's premises.

If you do not comply with this instruction, I shall arrange for a police officer to remove you from the premises, and you may be prosecuted under Section 547 of the Education Act 1996. If convicted under this section, you are liable to a fine of up to £500.00 and a criminal conviction will be recorded against you.

The withdrawal of permission for you to enter or be on the school premises takes effect immediately.

The Chair of Governors will need to decide whether my decision should be confirmed.

Before the review of my decision takes place, you have the opportunity to provide in writing any comments of your own in relation to the report of your conduct. These comments may include any concerns about the school which led to your unacceptable behaviour, expressions of regret on your part and any assurances you are prepared to give about your future good conduct.

To enable the Chair of Governors to review my decision at an early stage, you are asked to send any written comments you wish to make within five school days from the date of this letter, by [DATE]. The Chair of Governors will review my decision within ten school days of the date of this letter, whether or not any written comments are received from you. If, after considering your written comments, the Chair of Governors takes the view that my decision should be confirmed, you will be provided with written details of when a further review of the decision will take place.

Until the review has taken place, you may bring your son/daughter/children to school and collect him/her/them at the end of the school day. Nevertheless, you must not go beyond the school gate or cross the boundary of the school premises.

If you wish to raise a complaint regarding this matter, please do so in line with the school's Complaints Policy, a copy of which is attached for your consideration.

Yours sincerely,
Mrs Lisa McSherry
Headteacher

Summary of Complaints Procedure

