The Dales School
North Yorkshire

Complaints Procedure

Person responsible:	Headteacher
Reviewed and approved by the Full Governing Body:	February 2024
Next Review Date:	February 2025

Signed……... **Date**: ……..

Who can make a complaint?
Any person, including members of the public, may make a complaint to the Dales School about any provision of facilities or services that we provide: this complaints procedure is not limited to parents or carers of children that are registered at the school. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

Scope of this Complaints Procedure
This procedure covers all complaints about any provision of community facilities or services by the Dales School, other than complaints that are dealt with under other statutory procedures, including those listed below:

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with North Yorkshire Council.
• 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 Safeguarding Team (MAST). A referral should be sent to the Local Authority Designated Officer (LADO) within one working day using the LADO Referral Form**,** giving as much detail as possible. Completed LADO Referral Forms should be emailed using secure mail (e.g. gcsx, pnn, cjsm, etc.) to safeguardingunit@northyorks.gcsx.gov.uk. If you do not have secure email please contact 01609 532477 within office hours.
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. A copy of the Dales School Behaviour, Discipline and Anti-Bullying Policy is available on the school website.
• Whistleblowing	We have an internal whistleblowing procedure 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 direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. You will be asked for the school's URN, which is 121771. 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 LA or the Department for Education (see link above), depending on the substance of your complaint.

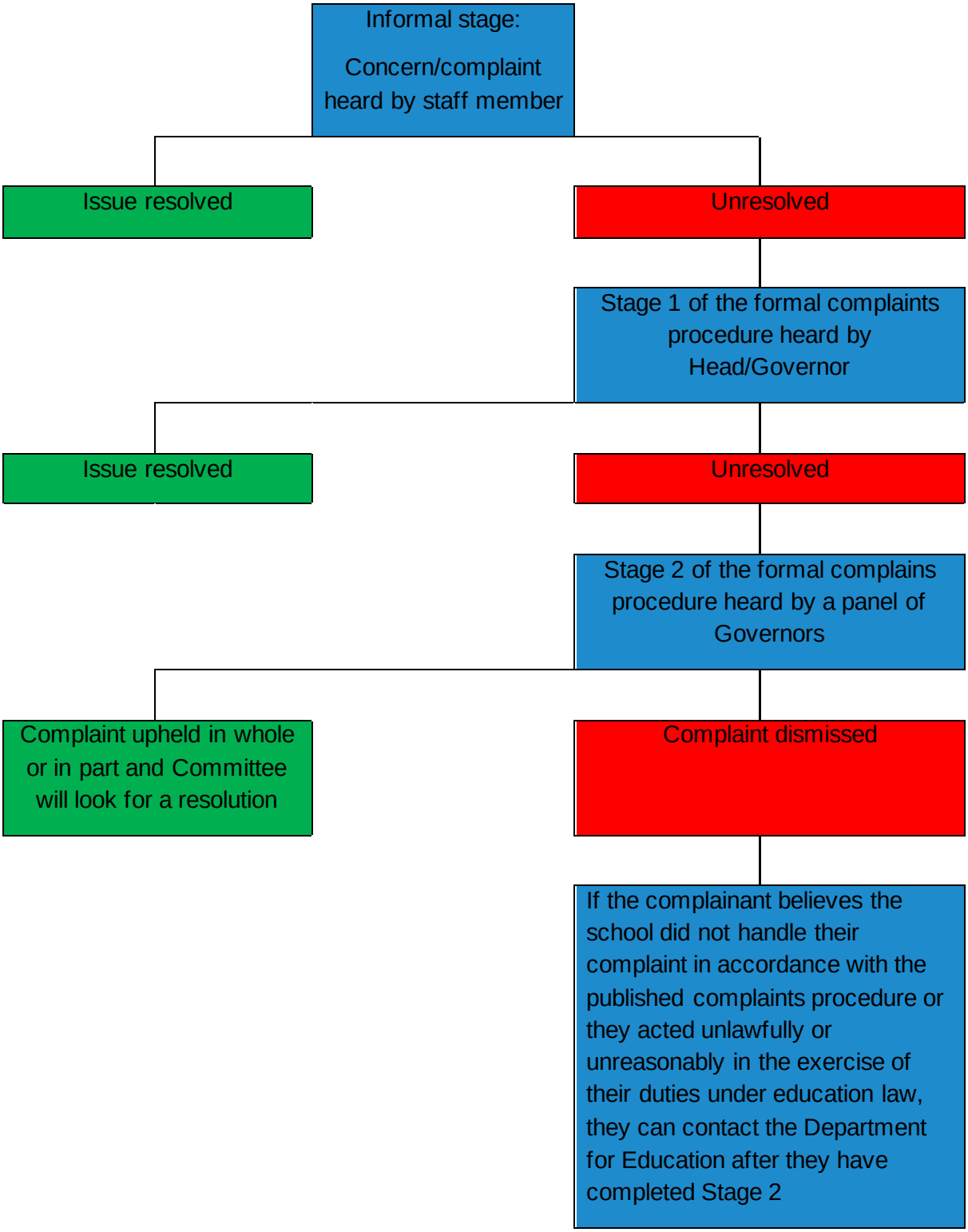
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as 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 directly.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

- **Anonymous complaints:** We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, 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 only 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.
- 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 the Dales School in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded. At this point advice will be sought from NYCC.
- **Resolving complaints**: At each stage in the procedure, the Dales School will endeavour 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 that has been complained about 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.

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*'.

The School Complaints Procedure



Managing a complaint 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 of a complainant, as long as they have appropriate consent to do so.

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 complaint's procedure. The Dales School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

Where appropriate concerns should be raised with either the class lead or headteacher. 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 staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, they 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. If the issue remains unresolved, the next step is to make a formal complaint.

We also understand that there are occasions when people would like to raise their concerns formally. In these cases, the Dales School will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

Making a formal complaint
The school has two stages at which a complaint can be managed internally. The stages and what is involved at each of those stages is detailed below:

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

Stage 1 of the complaints process:

To enable the school to process a complaint please ensure that you provide the following information:

- Your name
- Pupil's name (if relevant)
- Your relationship to the pupil (if relevant)
- Address
- Contact number
- Email address
- Details of the complaint, including whether you have spoken to anybody at the school about it.
- What action do you feel might resolve the problem at this stage?
- Information of any supporting evidence/paperwork

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.

Nature of complaint	Unless the complaint is about the Headteacher or Governing body, formal complaints must be made to the **Headteacher** and must be marked private and confidential	Complaints about the Headteacher or Governing Body should be reported to the **Clerk** of the Governing Body

How to make the complaint	In writing/email, in person or via telephone call and should be marked private and confidential	In writing/email and should be marked private and confidential. This may be posted or handed into the school office. The email address can be requested from the school office.
Timeline	**Actions**	**Actions**
Within **5 school days**	The **Headteacher** will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email)	The **Clerk** to the Governing Body will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email)
Within **20 school days** of receiving the complaint	The **Headteacher** may delegate the investigation to another member of the school's leadership team, but not the decision to be taken. Where the Headteacher feels that there could be a conflict of interest, they will discuss their concerns with the Chair of Governors who may then delegate the investigation to a Governor to investigate and action	A suitably skilled **Governor** will be appointed to complete all actions at stage 1, including the decision making. 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 or local authority. At the conclusion of their investigation the independent investigator will provide a formal written response.
	The **headteacher/investigator** will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The investigator can consider whether a face-to-face meeting is the most appropriate way of doing this. During the investigation, the investigator) will: • if necessary, interview those involved in the matter 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 investigator will provide a formal written response. The investigator will endeavour to provide this response within **20 school days** of the date of receipt of the complaint. 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 The Dales School will take to resolve the complaint.
	The **Headteacher/investigator** will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.
20+ school days	If the **Headteacher/investigator** is unable to meet the 20-school day deadline, they will provide the complainant with an update and revised response date.

What to do if the complainant is not happy with the outcome of stage 1:	
Within **10 school days** of receiving the response	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**. This is the final stage of the complaints procedure. Requests received outside of this time frame will only be considered if exceptional circumstances apply. A request to escalate to Stage 2 must be made to The Clerk to the Governing Body, via the school office and should be marked private and confidential.

Stage 2 of the Complaints procedure: This part of the procedure involves a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available.

Within **5 school days** of receipt of the Stage 2 request	The Clerk 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 of the receipt of the Stage 2 request	The Clerk will contact Governors to advise of the need to arrange a complaints panel. The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. If there are fewer than three governors from the Dales School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2. 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 **Clerk** will convene a **preliminary meeting** (virtual or in person) with three impartial Governors during which: • The nature of the complaint will be shared • Assurance given that there are no conflicts of interest • Appoint a chair • Agree next steps:

	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 inviting to a meeting, they will agree 3 dates to offer to meet with the complainant (either collectively or on a 1:1 basis), considering location and timings of meetings
Withing **25 school days** of receipt of the Stage 2 request	Following the preliminary meeting, the Clerk will write to the complainant to inform them of next steps. Where they are to be invited to a meeting, the Clerk will advise them of these dates; the panel will aim to convene a meeting within **25 school 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. 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 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
At least **5 school days** before the meeting	The Clerk will request copies of any further written material to be submitted to the committee.
At least **3 school days** before the meeting	The Clerk will circulate any written material to all parties. 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 **meeting**	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 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 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.
Within **5 school days** of the meeting	The Chair of the Committee will endeavour to provide the complainant and the Dales School with a full explanation of their decision and the reason(s) for it, in writing. If the Chair of the Committee is unable to meet this deadline, they will provide the complainant with an update and revised response date. 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 the Dales School. 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 the Dales School will take to resolve the complaint.

Within the context of governor panel processes, there are occasions when we may not be able to constitute all required panels to support a required formal process, from within our own governing body. The Dales School works in partnership with other local schools, such as Mowbray School, and Ainderby Steeple Primary School, to ensure that governor panels can be compliant to support any required process.

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

The complainant can refer their complaint to the Department for Education online at: 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 Dales Policy for managing serial and unreasonable complaints

The Dales School 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, or threatening.

The Dales School 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 outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with 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 complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- 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 falsified 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 the 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 ask them to cease this behaviour. For complainants who contact The Dales School excessively, causing a significant level of disruption, we may specify permitted 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 The Dales School.

Complaint Form

Please complete and return to Headteacher or Clerk to the Governing Body, 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:** **Email address:**
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:

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
- co-operate 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 and the complaints co-ordinator as appropriate to clarify what the complainant feels would resolve the complaint.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning in order to obtain the information required
- 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 governor or other staff member providing administrative support at stage 1, but is likely to be the Clerk to Governors at stage 2)
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 Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaint's procedure
- be aware of issues regarding:
  - sharing third party information
  - 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.

Clerk to the Governing Body
The Clerk is the contact point for the complainant and the committee and 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)
- form committees, 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 1 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.

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. This is particularly important if the complainant is a child/young person and/or has a recognised vulnerability.
- 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 the DPA 2018 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, 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
- appropriate minutes of the meeting are taken
- they liaise with the Clerk (and complaints co-ordinator, if one has been allocated to the process).

Committee Member
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 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/or has a recognised vulnerability and is 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.