



Complaints Policy



This Policy complies with section 29 of the Education Act 2002. Best Practice Advice for School Complaints Procedures January 2016 provides the following description to clarify 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 generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Barnston Primary School will take informal concerns seriously and make every effort to resolve matters promptly. Should complainants raise their concerns formally, the school's formal procedure would be invoked through the stages outlined within the procedures below. Complaints are not limited to parents and carers of children at the school.

Aims:

- To be fair, open and honest when dealing with any complaint
- To resolve a complaint through dialogue and mutual understanding
- To resolve a complaint at the earliest possible stage.
- To put the interests of the children first

Objectives:

- The first "port of call" regarding a concern about a child shall be the class teacher
- The parent/carer should follow the procedure outlined if satisfaction is not gained by the above course of action
- A committee of governors and the Headteacher considering a written complaint will not include any governor already involved in the process

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or office staff or Headteacher, depending on whom the complainant first approached.

Complainants must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing.

At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take the issue further.

The complaints process has four stages: Complainants can have the opportunity to complete the complaints procedure in full. It can be useful to ask the complainant at the earliest stage what he/she thinks may resolve the issue.

Stage One

Complainants will be offered an opportunity to discuss their concern with the appropriate member of staff designated to deal with the situation who will clarify with the complainant the nature of the concern, and reassure them that the school wants to hear about it. The member of staff may be able to explain to the complainant how the situation happened. It can be helpful to identify at this point what sort of outcome the complainant is looking for.

If the member of staff first contacted cannot immediately deal with the matter, s/he should make a clear note of the date, name, contact address or phone number and a brief note on the nature of the complaint.

Staff should refer a concern, if necessary, to the person with responsibility for the particular issue raised by the complainant.

If the concern relates to the Headteacher, the complainant should be advised to contact the Chair of the Governing Body, giving them details of how to do so.

The staff member dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear. **However, a note should be made of the action and retained.**

Where no satisfactory solution has been found within **a maximum of 15 school days**, complainants should be asked if they wish their concern to be considered further (Stage Two). If they do then they should be given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

Stage Two

At Stage Two it is clear that the concern is a definite complaint. In some cases the Headteacher or senior member of staff will already have been involved in looking at the matter; in others it will be his/her first involvement. In either case, it is helpful for the Headteacher to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

As Headteachers have responsibility for the day-to-day management of their schools, they also have responsibility for the implementation of a complaints procedure, including the decisions about their own involvement at various stages. One of the reasons for having various "stages" in a complaints procedure is to reassure complainants that their grievance may be heard by more than one person. The Headteacher acknowledges the complaint orally or in writing, within a **maximum of 3 school days** of receiving the complaint, confirming the exact nature of the complaint. The acknowledgement should give a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint (**within 15 school days**), if this proves impossible, a letter should be sent explaining the reason for the delay and giving a revised target date for a response.

The Headteacher provides an opportunity for the complainant to meet him/her to supplement any information provided previously.

It should be made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.

If necessary, the Headteacher could interview witnesses and take signed statements from witnesses and those involved. If the complaint concerns a pupil, the pupil identified should be interviewed. The pupil should be interviewed with another member of staff present and in the case of a serious complaint, with their parents present.

The Headteacher should keep a written record of interviews, telephone conversations, and other documentation.

Once all the relevant facts have been established, the Headteacher should then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

A written response should include a full explanation of the decision and the reasons for it. Where appropriate, this should include what action the school will take to resolve the complaint. The complainant should be advised that if s/he wishes to take the complaint further s/he should notify the Chair of the Governing Body within a maximum of 10 school days of receiving the outcome letter. If a complaint is against the action of a Headteacher, the Chair of the Governing Body should carry out all the Stage Two procedures.

Stage Three - Reconciliation

The Headteacher should endeavour to resolve any complaint referred to them at this stage and should seek to arrange a meeting with the complainant as soon as practical.

The meeting offers an opportunity to reassess all the issues, discuss any further findings from the Headteacher's investigation, clarify the action to be taken by the school and allay the complainant's worries in order to seek reconciliation.

In some circumstances it may be appropriate to invite the LA (in particular the Link Inspector) to act as conciliator.

Should the complainant still be dissatisfied then they should be directed to put their complaint in writing to the Chair of Governors.

Stage Four – Guidance for a committee of Governors dealing with a complaint

Upon receipt of a written complaint or where a complainant appeals against the decision of the Headteacher (Stage Two), within a maximum of 15 school days of receipt of the decision letter, the Headteacher **must** notify the Chair of Governors so that a review can be instituted.

The Clerk to the Governing Body should write to the complainant to acknowledge the Chair of Governors has received a written request for a review. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These should be made available immediately so that they can be circulated to all committee members.

The committee of the Governing Body should set a timetable for the investigation and should communicate the timetable to the complainant.

The Clerk to the Governors should arrange to convene the Complaints Committee elected from members of the Governing Body. (The Governing Body should appoint reserves to this committee to ensure that three governors are available to carry out their task within the set time).

The Complaints Committee members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the committee; otherwise the Vice-Chair should do so. **Generally it is not appropriate for the Headteacher to have a place on the committee.**

The Chair/Vice Chair should ensure that the complaint is heard by the committee **within a maximum of 20 school days of receiving the letter**. All relevant correspondence regarding the complaint must be made available to the committee members at least 5 school days before the hearing.

The Chair/Vice-Chair should write and inform the complainant, Headteacher, any relevant witnesses, and members of the committee **at least 5 school days in advance**, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter should also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the committee.

The Chair/Vice-Chair of the Governing Body should invite the Headteacher to attend the committee meeting and prepare a written report for the committee in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned – including the complainant – **at least 5 school days prior to the meeting**.

The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the committee.

It is the responsibility of the Chair of the committee to ensure that the meeting is properly minuted. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

The committee should remember that many complainants are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the committee. It is therefore recommended that the Chair of the committee ensures that the proceedings are as informal as possible.

If either party should intend to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The meeting should allow for

- the complainant to explain their complaint and the Headteacher to explain the school's response
- the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff (if invited to be present by the Chair of the committee) about the school's response

- committee members to have an opportunity to question both the complainant and the Headteacher
- any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
- final statements by both the complainant and the Headteacher.

The Chair of the committee should explain to the complainant and the Headteacher that the committee will consider its decision, and a written decision will be sent to both parties **within a maximum of 15 school days**. The complainant, Headteacher, other members of staff and witnesses should then leave.

The committee should then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

A written statement outlining the decision of the committee must be sent to the complainant and Headteacher.

The chair should ensure that parents are aware that they can complain to the Ombudsman (in rare circumstances but particularly in relation to admissions) or the Secretary of State for Education and Employment if they are unhappy with the outcome of the review.

The school should ensure that a copy of all correspondence and notes are kept on file in the school's records.

Complaints concerning the Headteacher, a Governor or the Governing Body

In these cases the Chair of the Governing Body must investigate the complaint.

The complainant can appeal against the decision of the Chair within a **maximum of 15 school days** of receipt of the decision letter. The Governing Body can either delegate the appeal to the complaints committee, or may, where they think it appropriate, appoint 3 other governors to form a complaints panel to investigate and make a recommendation by majority decision to the Governing Body.

Complaints concerning the Chair of Governors

The Headteacher, upon receiving a formal complaint against the Chair, must notify the clerk, who must then table the complaint at an extraordinary meeting of the Governing Body. The Chair must withdraw from any discussion. The Governing Body may either decide to refer the matter to the LA, or must refer the complaint to the Complaints Committee of the governing body.

Withdrawal of Complaints

Formal complaints may be withdrawn at any stage by notice in writing.

Complaints by members of the Governing Body and pupils

Governing Bodies shall establish such procedures, as they feel appropriate for dealing with complaints from members of the Governing Body and pupils.

A complaint by a governor may be discussed at a full meeting of the Governing Body.

A Governing Body can delegate the responsibility of managing complaints by pupils to the professionals. Pupils need to know clearly how they can register their complaint and they need assurance that it will be dealt with expediently.

Complaints Procedure

This should be publicised in the school prospectus and made widely known to parents e.g. induction meetings of new pupils, published on the school website.

Complaints Register

A register of all formal complaints made under the complaints procedure should be maintained. The register should include the following:

- a) name and address of the complainant
- b) a brief description of the complaint
- c) a record of the time taken to resolve the matter
- d) the outcome of the complaint.

An example of our complaints proforma can be seen at Appendix 1.

Details of how the meetings should be conducted can be found in the Authority Guidelines for Staffing Procedures

Review

The Governing Body reviews this policy annually at the Community committee meeting during summer term.

Appendix 1 - Example Complaints Proforma

Stage 2 Complaints

Date complaint referred to Headteacher: _____

Complainant acknowledged orally/by letter, date: _____

School's complaint procedure forwarded: YES/NO

Target date for response: _____

General nature of complaint: _____

Date of meeting with complainant: _____

Others present: _____

Statements attached: YES/NO

Witnesses interviewed: _____

Pupils interviewed in presence of: _____

Date: _____

Records of correspondence/telephone calls etc. attached: YES/NO

Meeting date with complainant or date letter sent: _____

Written response attached: YES/NO

Complaint referred to governing body, date: _____

Appendix 2 - Complaints not in scope of the procedure

The complaints procedure covers all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<p>Admissions to schools Statutory assessments of Special Educational Needs (SEN) School re-organisation proposals Matters likely to require a Child Protection Investigation</p>	<p>Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman</p>
<p>Exclusion of children from school</p>	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/schooldiscipline-exclusions/exclusions.</p>
<p>Whistleblowing</p>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised directly with Ofsted. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<p>Staff grievances and disciplinary procedures</p>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation</p>
<p>Complaints about services provided by other providers who may use school premises or facilities.</p>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.</p>