

Rothersthorpe CE Primary School



Complaints Policy and Procedures

1 Introduction

- 1.1 Rothersthorpe CE Primary School is committed to providing the best educational experience we can for our children and to building positive relationships with our pupils, parents, carers and other stakeholders. We can continue to improve our practice by listening and responding to the views and concerns of others.
- 1.2 This policy reflects the ethos of Rothersthorpe CE Primary School together with guidance and statutory requirements from The DfES Best Practice Advice for School Complaint Procedures January 2016; Section 29 of the Education Act 2002, that requires governing bodies of all maintained schools in England to have a procedure in place to deal with complaints relating to the School or to any community facilities or services it provides; legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000. The law also requires the procedure to be publicised.
- 1.3 Rothersthorpe CE Primary is committed to the principles of the Equality Act 2010 and under this policy no person will be treated less favourably on grounds of race, colour, nationality, ethnic or national origin, disability, gender, marital or parental status, age, religion or orientation, proposed or actual gender re-assignment, economic group, employment status, or any other condition or legally protected characteristic.
- 1.4 This policy and its procedures may be used by anyone who has a concern or complaint about any aspect of the School. In the main this will mean the parents and carers of our pupils but may include neighbours of the School or any other members of the local community. We appreciate the assistance we receive from parents and others in addressing any problems that arise.

2 Aims and objectives

- 2.1 We are committed to resolving problems by informal means wherever possible as 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. However, we recognise that there are occasions when complainants would like to raise their concerns formally, in those cases the school's formal procedure should be invoked through the stages outlined in Point 3.
- 2.2 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 lack of action'.

- 2.3 Our School aims to be fair, open and honest when dealing with any complaint. We will give careful consideration to all complaints and deal with them as swiftly as possible. In all cases we put the interests of the child above everything else. We will take appropriate steps to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint.
- 2.4 The Equality Duty 2011 has three aims. It requires public bodies to have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the act; advance equality of opportunity between people who share a protected characteristic and people who do not share it ; foster good relations between people who share a protected characteristic and people who do not share it.

Scope

- 2.5 Our aim is to address issues as quickly as possible. It is difficult for us to investigate an incident or problem properly if it took place some time ago. We therefore will normally only consider complaints made within three months of the incident occurring or coming to light. Consideration may be given to complaints made in relation to children no longer attending the School or to other complaints outside this timescale if there are exceptional circumstances.
- 2.6 The following areas fall outside the Governing Body's complaints policy and are dealt with under other statutory procedures: school admissions and exclusions, child protection issues, Whistleblowing, complaints about other Council departments, staff grievance or disciplinary procedures, national curriculum issues, religious education and collective worship, special educational and disability needs provision, complaints about services provided by other providers who may use school premises or facilities. Annex C sets out how complaints linked to racism will be dealt with.
- 2.7 Any complaints about persons not employed by or under the direction of the School will initially be dealt with by the head teacher as site manager and referred to the appropriate authorities. Any third party providers such as before or after school sports clubs should have their own complaints procedure in place.
- 2.8 There is no duty for the School to pursue anonymous complaints as there is no named complainant to respond to. However, if such complaints allege or imply a serious matter that may be to the detriment of the School or its pupils, then we will consider whether to investigate. This may also be carried out in exceptional circumstances such as those relating to safeguarding issues or bullying allegations where the School would involve appropriate external agencies.
- 2.9 School will do its best to be helpful to people with a complaint or concern or a request of information. However, there may be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If we feel that we have done everything we can in response to the complaint it would be poor use of schools' time and resources to reply to any further correspondence making substantially the same points. If a complainant tries to re-open the same issue, the Chair of

Governors will inform them that the procedure has been completed and that the matter is now closed. In cases where school is contacted repeatedly by an individual making the same points, this may be viewed as 'serial' or 'persistent' and School may decide not to respond any further. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant. The school will refer to the 'DfES Best Practice Advice for School Complaints Procedures January 2016.

3 Stages of the Complaints Policy

3.1 Our complaints policy has three stages:-

1. Informal approach to a member of staff
2. Formal complaint to the Head teacher (or Chair of Governors)
3. Formal appeal to a Complaints Panel of governors

3.2 All formal complaints will be recorded centrally. Any complaint about the conduct of the head teacher or about a governor at the School should be addressed to the Chair of Governors via the School Office. They will arrange for an appropriate investigation to be carried out under Stage 2 of the complaints policy. The head teacher and the governor will be informed of any complaint made against them.

3.3 Individual governors will not get involved in complaints before Stage 3. Any complaint made to a governor directly will be referred to the relevant person at School in line with our agreed procedure and will not be raised at a full Governing Body meeting to avoid any compromise at a later stage of the complaints procedure.

3.4 At each stage in the procedure the School will keep in mind ways in which a complaint can be resolved, reference to the DfES School Complaints Toolkit 2014 and Best Practice Advice for School Complaints Procedures January 2016. 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
- An undertaking to review school policies in light of the complaint

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 negligence.

4

4.1 Stage 1 – Informal stage

Concerns can be raised with the School at any time and can often be resolved immediately through an informal discussion. For concerns about a child's education we ask parents/carers to arrange a meeting with their child's class teacher in the first instance. All teachers work very hard to ensure that each child is happy at school and making good progress; they naturally want to know if there is a problem so that they can take action before it seriously affects the child's progress.

On some occasions an investigation or discussion with others may be necessary. The member of staff contacted will make a firm arrangement to respond to the complainant who will receive an informal, but informed response within an agreed period of time. The complainant will be advised of the action to be taken. If no satisfactory solution has been found, the complainant will be told how to take their complaint further.

4.2 Stage 2 – Formal complaint to head teacher or Chair of Governors

If a complainant is dissatisfied with the outcome of their informal approach, they should make a formal complaint to the School. This can be made in person, by telephone or in writing, (including by e-mail). The complainant will be asked to explain their complaint and the outcomes sought.

Formal complaints should normally be made to the head teacher. However, complainants dissatisfied with the action of the head teacher at Stage 1 or where the head teacher was very closely involved at the informal stage, a written complaint should be lodged with the Chair of Governors via the School Office. The Chair of Governors will carry out all the Stage 2 procedures, with support if necessary from another governor.

All formal complaints will be acknowledged - usually within 3 school days – together with a target response time. This will normally be in the following 10 days during term times. The complainant will be kept informed of any delays and when a final response can be expected; written confirmation of the outcome of the complaint will be provided.

The Head teacher/Chair of Governors will decide how a formal complaint should be dealt with, either through the School's complaints procedures, as a personnel or child protection issue or through other statutory processes. Any investigation at school level may require statements being taken from any pupils involved and from any witnesses. A meeting may be arranged with the complainant to discuss their complaint further and to explain any action the School intends to take as a result of the complaint. Written records will be kept of meetings and telephone conversations together with other documentation.

Most complaints are normally resolved by the end of Stage 2. However, complainants will be advised of their right of appeal to a panel of governors if they remain dissatisfied for a formal review of their complaint.

4.3 Stage 3 – Formal complaint to a panel of governors

Written details of the complaint, together with any correspondence and evidence to support the complaint, must be provided to the Clerk to the Governing Body together with a statement specifying any perceived failings in either procedure or decisions made. A request for a review based solely on dissatisfaction with the previous response/outcome decision will not normally be accepted.

At Stage 3 the aim of the Panel will be to resolve the complaint and achieve reconciliation between the School and the complainant. However, we recognise that it may only be possible to establish the facts of a situation and make recommendations about future action and to satisfy the complainant that their complaint has been taken seriously.

Three members from the Governing Body will be selected to form a Complaints Panel to consider the complaint. The Panel's role is not to simply endorse previous decisions in the complaints process. They will consider the complaint impartially and robustly on the evidence provided. Wherever possible the governors chosen will have no prior knowledge of the details surrounding the complaint or of the complainant themselves.

The Complaints Panel will be convened within 3 weeks, (excluding school holidays) of a formal request being submitted to the Clerk to the Governing Body. All parties will be notified of the Panel's decision in writing within 3 school days of the meeting together with further methods of appeal and redress.

There may be occasions when, on proper investigation, a complaint is deemed to be unfounded, unjustified, inappropriate, improper use of a formal procedure, malicious or when, despite all stages of the complaints procedure having been followed, the complainant remains dissatisfied and wishes to reopen the same issue. In these circumstances the Chair of Governors will inform the complainant in writing that they consider there are insufficient grounds to consider their complaint at Stage 3 or that the procedure has been exhausted at this Stage and that the matter has been closed.

5 Beyond the Governing Body

- 5.1 There is no further right of appeal to the school following the decision of the Complaints Panel.
- 5.2 The Local Government Ombudsman may investigate complaints of maladministration, i.e. where the published complaints procedure has not been properly followed, but cannot question what has been done simply because the complainant does not agree with it. The Ombudsman cannot investigate the internal management of a school and is not empowered to overturn the decision of the Complaints Panel.
- 5.3 Complaints can be taken to the Secretary of State for Children, Schools and Families on the grounds that a governing body is acting or has acted unreasonably or illegally or has failed to discharge its duties under the 1996 Education Act.

- 5.4 Ofsted now has new powers to investigate complaints from parents about a school. They will usually expect a complainant to have followed the school's complaints procedure first and will not normally investigate cases relating to individual pupils.

6 Sharing and retaining information

- 6.1 All complaints will be dealt with confidentially and conversations and correspondence treated with discretion. No information regarding the investigation will be made public unless required by law.
- 6.2 The School will keep copies of all complaints correspondence and notes relating to a complaint securely on file. This will be kept separate from pupils' personal records.

7 Policy implementation, monitoring and review

- 7.1 The head teacher is responsible for the operation and management of the Complaints Policy, ensuring its procedures are followed and brought to the attention of stakeholders.
- 7.2 We publicise our complaints procedures on our website and hard copies are also available on request from the School Office.
- 7.3 It is important for the Governing Body to monitor the implementation and effectiveness of school policies. Governors will pay particular attention to the level and nature of formal complaints, the lessons learned, the timeliness of responses and resolutions and will also review outcomes annually. Complaints information shared with the whole Governing Body will be anonymised to respect confidentiality.
- 7.4 This Policy will be subject to review by the Governing Body every three years. Governors may, however, review it earlier if the Government introduces new regulations or if the Governing Body receives recommendations on how the Policy might be improved.

Policy Links

- Behaviour and Discipline Policy
- Equality Statement and Policy
- Inclusion Policy
- Staff, Governor and Parent Code of Conducts

Reviewed by the Governing Body April 2016

ANNEX A

Procedure on receipt of a written request for a Stage 3 review

Upon receipt of a written request from the complainant for the complaint to proceed to Stage 3, the following procedure will be followed:-

1. A suitable clerk to the Complaints Panel will be appointed
2. The clerk will write acknowledging receipt of the written request, informing the complainant that it will be heard by an Complaints Panel established by the Governing Body within 21 working days of receipt, unless this falls during a school holiday period
3. The clerk will convene a meeting of the Complaints Panel at a time which is convenient for the complainant and the School.
4. The clerk will ensure that the complainant, head teacher and any other witnesses are given at least five working days notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant will also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The chair of the Panel should ensure that interpretation facilities are offered and made available if required. The letter will set out the procedure for the conduct of the hearing (see Annex B) and the complainant's right to submit further written evidence to the Panel.
5. The clerk will invite the head teacher to attend the hearing and to submit a written report for the Panel in response to the complaint. The head teacher may also invite the Chair of Governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the Complaints Panel.
6. All relevant documents should be received by all parties (including the complainant) at least five days before the meeting of the Panel.
7. An Education Officer or member of Governor Services may be invited to attend the meeting to advise the Panel (see below).
8. The Panel will elect a chairperson who should ensure that proper minutes of the meeting are taken.
9. The chair of the Panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
10. At the conclusion of the representations and questions, the chair will explain that the Panel will consider the issues and write to both parties with their decision or judgement within 3 school days.

11. All parties will then withdraw and the Complaints Panel will then consider the evidence with support from their advisers. This should include: a judgement about the validity of the complaint, appropriate action to be taken by the School and/or the parent and, where appropriate, recommendations on changes to the School's systems or procedures to ensure similar problems do not arise in the future.
12. The broad outcomes recommended by the Complaints Panel will be reported to the next full Governing Body or appropriate committee with the identity of all those taking part kept confidential. The Governing Body will monitor implementation of any recommendations made.

ANNEX B

Procedure for the conduct of a Stage 3 Complaints Panel hearing

1. The chair of the Panel will invite all parties, (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair will explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve a reconciliation between the School and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The chair will then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:
 - i. The complainant describes his/her complaint and may call witnesses.
 - ii. The head teacher may seek clarification from the complainant and any witnesses.
 - iii. The Panel or its advisers may seek clarification from the complainant and any witnesses.
 - iv. The head teacher will respond to the complaint and may call witnesses.
 - v. The complainant may seek clarification from the head teacher and any witnesses.
 - vi. The Panel (including any advisers) may seek clarification from the head teacher and any witnesses.
 - vii. The head teacher will be given the opportunity to sum up.
 - viii. The complainant will be given the opportunity to sum up.
 - ix. Both parties will leave the room to allow the Panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The Panel should make a decision or judgement on:-
 - the validity of the complaint,
 - appropriate action to be taken by the School and, where appropriate,
 - recommendations on changes to the School's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing within 3 school days.

NB If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to their complaint being heard with all present in one sitting.

ANNEX C

Dealing with complaints about racism in schools

1. Racist behaviour to a pupil

The procedures to be followed are contained in the NCC's guidance "Notification of Racist Incidents".

2. Racist incident alleged against member of school staff

- i. The report/complaint should be made to the head teacher, or if the head teacher is the subject of the report/complaint, to the Chair of Governors;
- ii. As racism is a disciplinary offence, the normal disciplinary procedures will be followed.

3. Institutional Racism

Complainants who perceive that racist practice or policies are operated by the School should pursue these in line with this complaints policy and procedures.