

# Stockbridge Primary School

## Policy for **Complaints**

Approved by	
Approved on	
Review date	

**Signed..... Role.....**

Ownership: FGB

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## **Rationale**

This procedure is intended to set out how the school will deal with general complaints. Parents should feel able to express their views in the full knowledge that they will be dealt with fairly.

It is not intended to cover those aspects of school life where the law sets specific complaints procedures i.e. admissions, exclusions, complaints about the delivery of the National Curriculum and the provision of collective worship and religious education. Parents who are not satisfied with an LA's decision about special needs assessments may appeal to the SEN Tribunal. Further details about these procedures are available in other documents.

Complaints to the school can be made if there are concerns about:

- A child's academic progress
- SEN provision
- Staff/pupil behavior
- A child's welfare or bullying
- A school policy
- Management of the school budget
- Use of school facilities

This procedure does not apply to complaints about:

- Admissions to school
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievance and disciplinary procedures
- Complaints about services provided by other providers who may use the school's premises or facilities

In these cases, there are other separate and statutory procedures.

The school will not respond to anonymous complaints under this policy, however, the headteacher and / or chair of governors will consider whether the issue and fear of identification are genuine or the issue is one of child protection.

## **Aims**

- An accessible and easily understood procedure for complaints.
- Encourage parents to express their views at the earliest opportunity, through the appropriate channels.
- To aid communication between parents and school.

Whether a complaint is made informally or formally, all parties should ensure details are only known to those involved in investigating the complaint. Parents should be assured that making a complaint will not adversely affect their child.

### Guidelines

## **School Complaints Procedure**

### **The Informal Stage**

1.1 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 school secretary, Headteacher or chair of governors depending on the nature of the complaint. Do not discuss with any other governors as this will "taint" them and they will not be allowed to be part of the process.

1.2 If the person first contacted cannot deal with the matter immediately, s/he makes a clear note of the date, name, contact address or phone number and the issue raised.

1.3 Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been successful. Complaints made informally to governors will be referred to the relevant member of staff or to the chairman where appropriate.

1.4 On certain major issues, the Headteacher may decide to deal with concerns directly at this stage.

1.5 If the complaint relates to the Headteacher, the parent is advised to contact the Chair of the Governing Body.

1.6 The person dealing with the concern makes sure that the parent 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.

1.7 Where no satisfactory solution has been found parents are asked if they wish their concern to be considered further. If so they are given clear information, both orally and in writing, about how to make a formal complaint and about any independent advice available to them.

### **The Formal Stage**

#### **Formal Stage 1: Write to the Headteacher**

2.1 When a formal complaint is made, it will be acknowledged in writing within 5 school working days.

2.2 The Headteacher (or designate) acknowledges the complaint orally or in writing within **5 working days** of receiving the written complaint. The acknowledgment gives a brief explanation of the school's complaints procedure and a target date for

providing a response to the complaint. This should normally be within **20 working days**: if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.

2.3 The Headteacher (or designate) provides an opportunity for the complainant to meet with them to supplement any information provided previously. It is made clear to the complainant that if they wish they may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on their behalf, and asked if they have any special requirements the school needs to be aware of e.g. wheelchair access, signing etc.

2.4 If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/guardians present. In some situations, circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said they would prefer that parents or guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind.

2.5 The Headteacher (or designate) keeps written records of meetings, telephone conversations, and other documentation. Should any meeting take place with the complainants, the main points will be summarised in a follow up letter to prevent any misunderstanding and ensure that all parties have a clear record of progress or agreements.

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

2.7 A written response includes a full explanation of the decisions and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within 5 weeks of receiving the outcome letter.

2.8 If the complaint is against the action of a head teacher, or if the head teacher has been very closely involved at stage 1, the complainant should be referred to **Stage 2** of the Complaints Procedure

### **Formal Stage 2: Write to the Chair of Governors**

The Chair of Governors should respond to the complainant as soon as possible, an acknowledgement at least will be sent within 5 working days and, if the complaint requires further investigation, the complainant will be notified in this letter.

The chair will need to decide who is responsible for dealing with the issues involved, and therefore what powers are available to governors with respect to the particular

complaint. Governors must decide whether the issues are related to responsibilities that:

- are delegated to the head teacher by the governing body
- fall within the governing body's remit only
- are within the head teacher's terms and conditions of employment and relate to the internal organization, management and control of the school

### **Reconsideration or Review?**

For matters that are the head teacher's responsibility, the chair of governors is only empowered to look at whether the head teacher's decision or action was reasonable in the light of the information available at the time – this is known as **REVIEW**

It is worth remembering that the governing body has a largely strategic role. This means it is responsible for the school's strategic framework including its aims and objectives, priorities and targets, and policies to achieve those aims and objectives. The head teacher is responsible for the internal organization, management and control of the school and for advising on and implementing the governor's policies. The head teacher is solely responsible for making day-to-day decisions.

For delegated responsibilities and matters within the remit of the governing body, the chair may look at the whole issue afresh – this is known as **RECONSIDERATION**. If the matter relates to the head teacher's conduct, the chair of governors will need to decide whether the matter should be dealt with through the complaints procedure or staff disciplinary procedure. Advice should be sought from the Children's Services Complaints team or Educational Personnel Services.

In the rare circumstance that a complainant is unhappy with the outcome, the chair of governors may offer a right of appeal to the governing body's Complaints Panel (Stage 3).

### **Formal Stage 3: Formal Complaint to Governors**

3.1 Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed.

3.2 The Clerk to the Governing Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the school's Governing Body within **20 working days** of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be received by the full members.

- The governor's powers should be made clear to complainants at **Stage 2** and re-emphasised at this point . The two forms of appeal would again be **Reconsideration or Review**
- **Review:**

If the matter falls within the head teacher's decision making remit by virtue of his or her terms and condition of employment, then the panel will only have

the power to review the decision, not to consider the matter afresh. It may look at whether the decision or action was unreasonable. An unreasonable decision might be one that is irrational: a decision that no reasonable head teacher, properly aware of his or her duties and properly taking into account the facts of the case before him or her would make.

- The panel will need to consider the facts as they were known to the head teacher **at the time** and then consider whether the head teacher:
  - Failed to take account of a relevant consideration
  - Took into account an irrelevant consideration
  - Made a 'perverse' decision in the light of the evidence available at the time
- If new evidence does come to light, the panel should refer it back to the head teacher, who may consider amending their decision in the light of that new information
- **Reconsideration: (Considering afresh)**

When the issues relate to delegated responsibilities, the panel can reconsider the matter, that is, look at the matter afresh, with any new information that the head teacher may not have been aware of at the time of the original response or action. In the light of additional information, the panel may decide to write and ask the head teacher to give the matter further consideration.

Complaints about a governor should also be subject to a reconsideration of the issues.

3.3 The Clerk to the Governors should arrange to convene a Governors' Complaints Panel elected from members of the Governing Body. The Panel should consist of three governors who have no prior involvement in the case.

- The chair should be designated before the meeting
- The meeting should be held in an informal atmosphere but should follow a formal agenda

3.4 The Chair/Vice-Chair will ensure that the complaint is heard by the Panel **within 20 working days of** receiving the letter in 3. 1. All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to panel members.

3.5 The Chair/Vice-Chair will write and inform the complainant, Headteacher, any relevant witnesses, and members of the Panel at least **5 working 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 will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

3.6 If either party wishes 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.

3.7 The meeting will **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 about the school's response.

Panel members to have the 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.

3.8 The Chair of the Panel will explain to the complainant and the Headteacher that the panel will now consider its decision, and a written decision will be sent to both parties, preferably within **2 working days**. The complainant, Headteacher, other members of staff and witnesses will then leave.

3.9 The panel will 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) and 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.

3.10 A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher within **2 working days**. The letter should include:

- A summary of the issues
- An outline of the main points of discussion
- The reasons for the decision
- Proposed actions or outcomes

The letter to the complainant should explain whether a further appeal can be made, and if so, to whom. The panel's letter may also suggest that the complainants meet with the head teacher again to agree a way forward.

**It is vital**, when deciding on panel membership, to **consider any conflict of interest**. Everything must be done to consider the perception of "fairness" and to have "Fair Process". If there are not enough Governors to form a panel or, if those that are available are 'tainted' or too familiar with the situation, the governing body may enter into a collaborative agreement with another governing body which will enable the clerk to seek panel members from the other governing body who can sit on the panel. A collaborative agreement document can be found on the governor section of the Hampshire website.



## **The Final Stage - Stage 4: Local Authority (LA)**

The LA offers a further right of appeal for parents who have exhausted the school's procedures if the complaint is about:

- the National Curriculum and related matters
- provision of collective worship.

## **Outside the School - The Role of the Local Authority**

For general complaints about the school, the LA has no remit or powers beyond reminding the school of its legal obligations. Therefore, for *individual* general complaints that have exhausted the school's own complaints procedure, there is *no* appeal to the LA as it has no powers to direct the school to change its decision.

If a complaint cannot be resolved further, Headteachers, Governors and parents may seek advice from the LA's complaints adviser.

## **Secretary of State**

If a parent wishes to pursue a complaint because they feel a school has acted unreasonably, they can write to the Secretary of State.

The Secretary of State will contact the Governing Body and the LA for more detailed information; he/she has the power to direct the school to revise an action using the same criteria as applied by the Governors.

**Governing Bodies** should also be aware that parents have the right to complain directly to **Ofsted** if the complaint is concerning whole school issues. Ofsted cannot investigate any matters that relate to a specific child's needs or incidents that are alleged to have taken place.

This policy will be monitored by the Headteacher and Governing Body.

*Adopted by the Governing Body on: 21<sup>st</sup> September 2016*

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