



Steam Mills Primary School

Policy and Procedure: Complaints

January 2019

UN – Rights of the Child

Article 3 – The best interests of the child must be a top priority in all actions concerning children.

This policy should be read in conjunction with other relevant policies including: Child Protection and Safeguarding, including the Offer of Early Help and the Persistent Complainant Policy

Introduction

Steam Mills Primary School prides itself on the quality of teaching provided for its pupils. However, if parents have concerns, they can expect any issues to be treated seriously by the school in accordance with this policy document.

The Complaints Policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to aspects of the school or the provision of facilities or services.

- A complaint can be brought by a parent/carer of a registered child at the school or any person who has been provided with a service/facility at the school. This person is referred to as the complainant.
- Schools may have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. This member of staff, however, may not necessarily be the Head Teacher. At Steam Mills Primary School, the class teacher will be the first point of contact.
- A concern becomes a complaint only when the complainant asserts the school has acted wrongly in some significant decision, action or failure to take action.
- Even when a complaint has been made it can be resolved or withdrawn at any stage.

Aims

In line with the Education Act 2002, Steam Mills Primary School will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow swift handling with established time-limits for action and keeping people informed of any progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress where necessary.
- Provide information to the school's leadership team so that services can be improved.

Dealing with concerns informally

- The school recognises that a vast majority of complaints and concerns can be resolved informally.
- The complainant must feel able to raise concerns and complaints with members of staff, either in person, by telephone or in writing. A preliminary discussion may be undertaken to help clarify if he or she is making a complaint or expressing an opinion, and whether they wish to take it further.
- The complainant should be able to bring a companion to any discussion.
- The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.
- The process should be completed speedily and concluded in writing with appropriate detail.
- Where no satisfactory solution has been found, the complainant should be informed that he or she will need to consider whether to make a formal complaint in writing to the Head Teacher.
- To assist in this process a complaint form should be provided. (See Appendix 1 or 2.)

Monitoring and recording complaints

At all stages of the complaints procedure the following information should be recorded:

- Name of the complainant.
- Date and time at which complaint was made.
- Details of the nature of the complaint.
- Desired outcome of the complainant.
- How the complaint is being investigated (including written records of any interviews held).
- Results and conclusions of investigations.
- Any action taken.
- The complainant's response.
- Record of any subsequent action if required.

Special Circumstances

- If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect, it may be referred without further notice to Children's Social Care. If Social Care decides to investigate a situation, this may postpone or supersede investigation by the Head Teacher or Governing Body.

- 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 special educational needs; and decisions to permanently exclude a child.

Complaints Procedure

Stage 1 - Complaint Heard by Staff Member

- Parent/carer discusses their concerns with child's class teacher, or if they prefer, another member of the school's teaching staff.
- Where the complaint concerns the Head Teacher the complainant will be referred to the Chair of Governors.
- If the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure.
- Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages, in case they are needed to sit on a panel at a later stage of the procedure.
- If a resolution cannot be sought at this level, or the complainant is dissatisfied at the outcome of these initial discussions, then the parent/carer may wish to escalate the complaint to the next level of the procedure.

Stage 2 - Complaint Heard by Head Teacher

- The parent/carer should request an appointment to see the Head Teacher. This should be as soon as reasonably practical to avoid any possible worsening of the issue.
- The Head Teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
- If the complaint is against a member of staff, the Head Teacher should talk to the staff member against whom the complaint has been made. If necessary, the Head Teacher should interview witnesses and take statements from those involved.
- The Head Teacher should keep reasonable written records of meetings, telephone conversations and other documentation.
- The Head Teacher will investigate fully and communicate findings and/or resolutions to the complainant(s) verbally or in writing depending on the nature of the issue.
- Once all the relevant facts have been established, the Head Teacher should produce a written response to the complainant. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.

- Stage 2 should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Head teacher should write to the complainant giving a revised target date.
- If the parent/carer is not satisfied with the outcome at this stage then the complaint can be moved to the next level for an independent review by the Governing Body Panel.
- **If the concern or complaint is against the Head Teacher**, in the first instance the complainant will need to write in confidence to the Chair of Governors at the school. The Chair of Governors will seek to resolve the issue informally before, if necessary, moving to Stage 3.

Stage 3 – Complaint Heard by Governing Bodies' Complaints Appeal Panel (CAP)

- Complaints at this stage should be made in writing and addressed to the Chair of School Governors no later than 10 school days following receipt of a Stage 2 outcome. The Chair of Governors, or a nominated Governor, will convene a GB CAP.
- Written acknowledgement of the complaint will be made within 3 school days informing the complainant their complaint will be heard within 20 school days.
- CAP will be arranged with 3 members of the Governing Body Where possible, a Governor from a different Governing Body will be asked to attend the meeting as a neutral observer. The Clerk/Chair of the CAP should write to the complainant to explain how the review will be conducted. The letter should be copied to the Head Teacher.
- The Head Teacher will be asked to provide a written submission within 5 school days of receipt of the written complaint.
- The CAP will meet to read both written submissions prior to the meeting and collate any relevant questions. The Clerk/Chair will ask for additional written submissions from the complainant if required and the Head Teacher, to be given to the panel no less than 5 days before the formal CAP meeting.
- At the formal complaint meeting, where all the written evidence is considered, the CAP and neutral observer should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.
- A written response to the complainant will be made within 15 school days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Role of the Secretary of State, Department for Education

If the complainant is unhappy with the way in which the school has dealt with the complaint, they may be able to approach the Secretary of State, Department for Education to intervene.

For the Secretary of State to intervene following a complaint, he needs to be sure that either:

- The school has acted or is proposing to act unreasonably in the exercise or performance of its functions imposed by or under the Education Act 1996; or
- The school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.

Roles and Responsibilities

The Remit of the CAP

The panel can:

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any Governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is **independent and impartial** and that it is seen to be so. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governors need to try and ensure that it is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child

does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults.

- The Governor sitting on the panel need to be aware of the complaints procedure.

The Role of the Clerk

Schools are strongly advised that any panel or group of Governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing, and that the venue and proceedings are accessible.
- Collate any written material and send it to the parties in advance of the hearing.
- Record the proceedings.
- Notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated Governor role:

- Check that the correct procedure has been followed.
- If a hearing is appropriate, notify the clerk to arrange the panel.

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- The remit of the panel is explained

- The issues are addressed.
- Key findings of fact are made.
- The panel is open minded and acting independently.
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; each side is given the opportunity to state their case and ask questions.
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Appendix 1

Example Complaints Form

Please complete and return to who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

**What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?**

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:

Appendix 2

School Example Complaints Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Head Teacher (If your complaint is against the Head Teacher you will need to send the form to the Chair of the Governing Body)

Name:

Address:

Tel. No/Mobile:

Postcode:

Email:

Name of child:

Date of Birth of child:

What is your complaint about and what would you like the Headteacher to do?

When did you discuss your concern/complaint with the appropriate member of staff?

What was the result of the discussion?

Signed:

Date:

Appendix 3

Example letter

An example of a letter that the Chair of the Governing Body may wish to send to the complainant upon receipt of a complaint at Stage 2 for consideration by the Governing Body.

Dear Name

Thank you for your letter dated setting out the reasons why you are not satisfied with the Head Teacher's response to your complaint about

I write to let you know that I will be arranging for a Complaints Appeal Panel (CAP) to consider your complaint in accordance with our school's complaints procedure.

As explained in the procedure, the Clerk/Chair of the CAP will let you know in writing how the CAP intends to consider your complaint.

(or in the case of complaints against the Head Teacher)

I have received your complaint against the Head Teacher of Steam Mills Primary School.

I write to let you know that I have forwarded a copy of your complaint to the Head Teacher with a request that s/he respond within ten school days to the issues raised in the complaint.

A copy of the Head Teacher's response will be sent to you as soon as possible.

If you are not satisfied with the Head Teacher's response, I will arrange for a Complaints Appeal Panel to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in the procedure, the Clerk/Chair of the Complaints Appeal Panel will let you know in writing how the complaint will proceed.

Yours sincerely,

Chair of the Governing Body

Appendix 4

Checklist for a Panel Hearing

- The panel hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Head Teacher may question both the complainant and the witnesses after each has spoken.
- The Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head Teacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head Teacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within a set time scale.
- Both parties leave together while the panel decides on the issues.