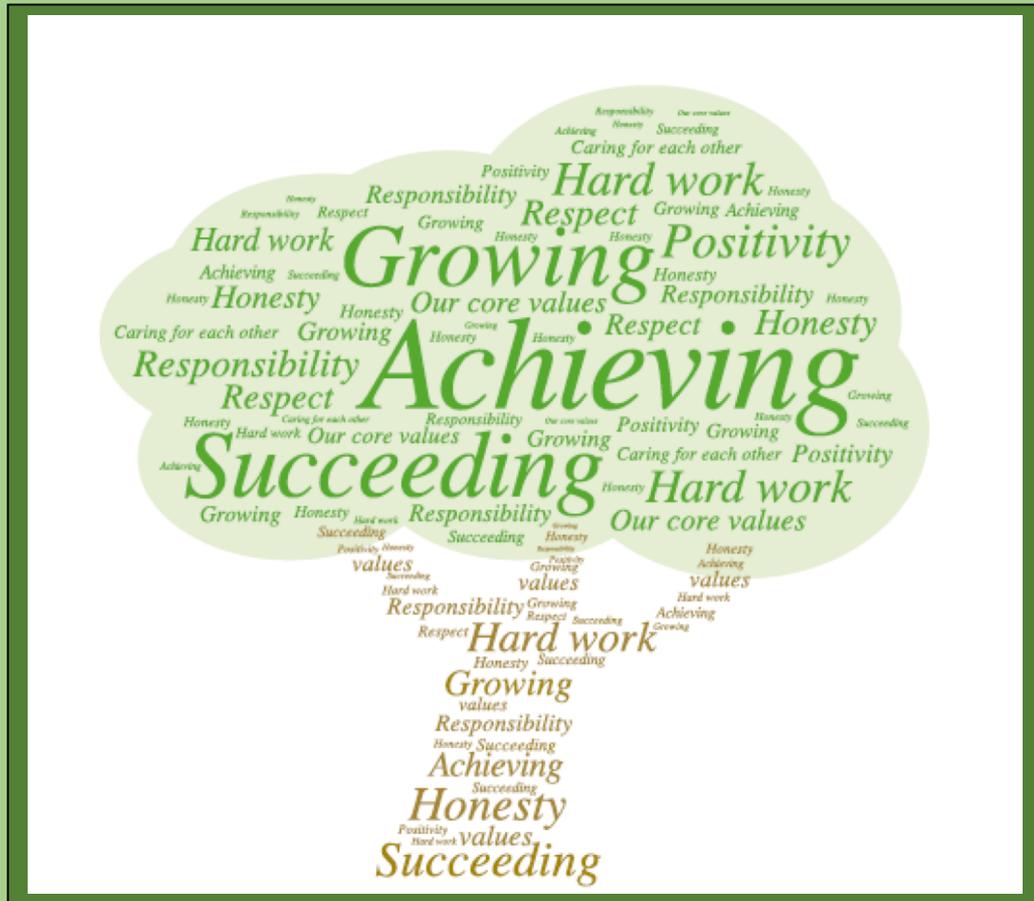


Park End Primary School



Approved By: *D. Jackson*

Date: 10.12.18

Complaints Policy and Procedures 2018

Review Date	Type of Review	Comments	Initials
Sept 2012	New	New Policy	MH
Autumn 2016	Update	Governor's full review	LR
Dec 2018	Update	Updated in line with best practice guidance (DfE) and The Education Regulations (Section 7) 2014	LR

Park End Primary School Complaints Policy

This document sets out the policy for dealing with comments, grievances and complaints.

Definitions

1. Park End Primary School adopts the following definitions of 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*'.

Best practice advice for school complaints Dfe (2016)

2. Complaints procedures should not be used for appeals and referrals that fall under other procedures and legislation and which are covered by other guidance, including:

- Admissions Policy
- Exclusions Advice
- Staff Grievances
- Child Protection
- Whistleblowing

General Principles of complaints

3. Dealing with Complaints – Initial concerns

- a. Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- b. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary. The school will endeavor to resolve the concern over 5 working days.

4. Dealing with Complaints – Formal procedures

- a. The formal procedures will need to be invoked when initial attempts to resolve the issue

are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

- b. The complaints co-ordinator, Mrs. Sharon Armes, will have responsibility for the operation and management of the school complaints procedure.

Framework of Principles

5. An effective Complaints Procedure will:

- a. encourage resolution of problems by informal means wherever possible;
- b. be easily accessible and publicised;
- c. be simple to understand and use;
- d. be impartial;
- e. be non-adversarial;
- f. allow swift handling with established time-limits for action and keeping people informed of the progress;
- g. ensure a full and fair investigation by an independent person where necessary;
- h. respect people's desire for confidentiality;
- i. address all the points at issue and provide an effective response and appropriate redress, where necessary;
- j. provide information to the school's senior management team so that services can be improved.

6. Park End Primary School will endeavor to

- treat complainants with courtesy, respect and fairness at all times
- treat complaints in confidence
- deal with complaints promptly
- acknowledge receipt of a written complaint within five working days, and provide a full reply within 20 working days

Use of this policy

7. This policy should be used for complaints about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions).

8. Arrangements for handling complaints from parents of children with SEN about the school's support are **within the scope of Park End Primary School's complaints procedure**. Where parents have specific complaints about the Education Health and Care (EHC) plan procedures, or about the content of their child's EHC plan, they should be referred to the LA. This is in accordance with the SEND Code of Practice.

9. This policy is limited to matters which can reasonably be investigated and therefore complaints should relate to matters which have occurred within the last 12 months.

10. Complainants are not limited to parents or carers of children that are registered at the school.

Status

11. Section 29 of the Education Act 2002 states the need to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the complaints procedure to be publicised.

12. This policy is in line with section 7 of the Education Regulations (2014)

Purpose

13. The school's values are concerned with meeting the needs of pupils, parents and other stakeholders. The governing body believes that feedback is an important ingredient in self-evaluation and raising standards. All stakeholders should feel that their concerns or complaints can be voiced and will be considered seriously.

14. The school takes informal concerns seriously and aims to resolve them at the earliest stage in order to reduce the numbers that develop into formal complaints. The underlying principle is that concerns will be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure will not in any way undermine efforts to resolve the concern informally. Staff will endeavour to resolve issues on the spot. Should this not be possible, Park End Primary undertakes to resolve concerns informally within 5 working days.

15. Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Applicability

16. The policy shall apply to all employees and governors of the school. It is the shared

responsibility of the Head Teacher and the Chair of the Governing Body to ensure that these groups are made aware of the policy and procedure.

Roles and responsibilities

17. The complaints coordinator is Mrs S. Armes, deputy headteacher. She will give advice and support to staff members to enable concerns to be resolved within the proposed timeframes.

Investigating complaints

18. At each stage, the person investigating the complaint (with the support of the complaint co-ordinator), makes sure that they:

- a. establish what has happened so far, and who has been involved;
- b. clarify the nature of the complaint and what remains unresolved;
- c. meet with the complainant or contact them (if unsure or further information is necessary)
- d. clarify what the complainant feels would put things right;
- e. interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- f. conduct the interview with an open mind and be prepared to persist in the questioning;
- g. keep notes of the interview
- h. work within a timescale of 10 working days, bearing in mind where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Resolving Complaints

19. At each stage in the procedure the school will want to keep in mind ways in which a complaint can be resolved. 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:

- a. an apology;
- b. an explanation;
- c. an admission that the situation could have been handled differently or better;
- d. an assurance that the event complained of will not recur;

- e. an explanation of the steps that have been taken to ensure that it will not happen again;
- f. an undertaking to review school policies in light of the complaint.

20. Complainants will be 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.

21. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

22. If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

23. Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

The Formal Complaints Procedure

The Stages of Complaints

24. Park End Primary will follow three school-based stages:

- a. Stage one (informal): complaint heard by staff member (though not the subject of the complaint) – resolved within 5 working days.
- b. Stage two (formal): complaint heard by headteacher – initial investigation within 10 working days. If the complaint concerns the headteacher, then the complaint will be moved to Stage 3.
- c. Stage three (appeal): complaint heard by the complaints appeal panel – actioned within 28 days of the appeal.

25. An unsatisfied complainant can always take a complaint to the next stage.

26. An effective procedure will also specify how a complaint will be dealt with if it concerns the conduct of the headteacher or a governor or where a headteacher or governor has been involved in the issue previously.

27. An example of the complaints procedure used by Park End Primary School can be found in Annex B.

Part 3 – Managing and Recording Complaints

Recording Complaints

28. Park End Primary School will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. A complaint form can be found in Annex D. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

29. The business manager, Mrs J. Wainwright will be responsible for the records and hold them centrally. All records will be kept confidential.

Governing Body Review

30. The governing body will monitor the level and nature of complaints and review the outcomes on a regular basis (termly) to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole governing body will not name individuals.

31. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the governing body can be a useful tool in evaluating a school's performance.

Publicising the Procedure

32. There is a legal requirement for the Complaints Procedures to be publicised. The Complaints Procedures will be included on the school website.

Monitoring and evaluating the policy

33. All documentation regarding complaints (including notes of any related meetings and telephone calls), the action taken and the final outcome will be recorded and a summary included in the Headteacher's next report to governors.

34. The governing body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole governing body will not name individuals. The monitoring and review of complaints by the school and the governing body is a useful tool in evaluating the school's performance, and will contribute to school improvement. Any underlying issues identified will be addressed.

Record Keeping

35. At Stage 1 notes will be kept of the nature of the concern. These notes are confidential.

36. At Stages 2 & 3 – there should be clear communication in writing throughout the handling of the complaint. A copy of all written communication should be retained for reference and will be confidential. Only complaints relating to the schooling of a specific child would be kept within the child's files. Other issues will be filed separately in a secure location and will be retained for a period of 7 years.

Further Recourse

Review by the Local Authority

37. Where the complainant can provide written grounds that demonstrate that the Governing Body may have acted unreasonably or failed to follow this procedure, s/he may request that the Local Authority review the situation. This will be an officer of the LA.

38. It is anticipated that the LA would intervene **only in very rare cases** where the reviewing officer believed that the Governing Body may have acted procedurally incorrectly or arrived at an outcome which appeared, in all the circumstances, to be unreasonable.

39. Complaining to the Secretary of State for Education

- a. The decision of the Governors' Complaints Committee is final but Under section 496 or 497 of the Education Act 1996, complainants have a right of appeal to the Secretary of State for Education on the grounds that:
- b. A governing body or Local Authority is acting or proposing to act unreasonably; or
- c. The governing body or the Local Authority has failed to discharge its duties under the Act.
- d. The Secretary of State would not take action until the school procedures have been completed.

40. This policy should be read in conjunction with other school policies that deal with complaints of different types

- Child protection policy and procedures
- Admissions policy (Acorns/ Nursery)
- Code of conduct
- Whistle blowing Policy
- SEND Policy
- GDPR Policy
- Privacy Statement
- E-safety Policy



ANNEX A

Park End Primary School Complaint Form

If you are not satisfied or feel that you have been unfairly treated, we would like you to let us know the problem.

It is however very important that you seek to resolve any difficulties in the first instance by discussing your concerns/complaint with a member of staff at school.

If you have tried this and are still not satisfied with the response then please fill in all the sections of this form and return it to the Head Teacher or Chair of Governors.

Your Name

Pupil's Name

Your relationship to the Pupil

Address

Postcode

Daytime Tel Number

Evening Tel Number

Please give details of your complaint here

What actions, if any have you taken to try and resolve your complaint

What actions do you feel might resolve the problem?

Signature

Date

Office use only

Complaint received on Passed to

Annex B

Complaints Procedure at Park End Primary School

Stage One:

Complaint Heard by Staff Member

1. It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff are made aware of the procedures so they know what to do when they receive a complaint.
2. It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator (the school deputy head) can refer the complainant to another staff member. Where the complaint concerns the headteacher, the complaints co-ordinator can refer the complainant to the chair of governors.
3. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.
4. Where the first approach is made to a governor, the next step is to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did 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.

Stage Two: Complaint Heard by Headteacher

5. The complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage Three: Complaint Heard by Governing Bodies Complaints Appeal Panel

6. The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a complaints panel.
7. The appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.
8. Individual complaints would not be heard by the whole governing body at any stage, as

this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

9. The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its **terms of reference. The terms of reference can include:**

- a. **. drawing up its procedures;**
- b. **. hearing individual appeals;**
- c. **. making recommendations on policy as a result of complaints.**

10. The panel can be drawn from the nominated members and may consist of three or five people. One panel member must also be independent of the governing body and not associated with the management and running of the school. The panel may choose their own chair.

The Remit of The Complaints Appeal Panel

11. The panel can:

- a. dismiss the complaint in whole or in part;
- b. uphold the complaint in whole or in part;
- c. decide on the appropriate action to be taken to resolve the complaint;
- d. 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 panel member sitting on a complaints panel needs to remember:

12. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No member 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, the school needs to try and ensure that it has a cross-section of the categories of governor and panel members and sensitive to the issues of race, gender and religious affiliation.

13. 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.

14. An effective panel will acknowledge that many complainants feel nervous and inhibited in

a formal setting. As such, those involved in the matter and/or those complained of are to be allowed to be accompanied if they wish. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

15. Extra care needs to be taken when the complainant is a child. 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. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

16. The members sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

17. The Education Department strongly recommends that any panel considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- a. set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- b. collate any written material and send it to the parties in advance of the hearing;
- c. meet and welcome the parties as they arrive at the hearing;
- d. record the proceedings;
- e. notify all parties of the panel's decision.

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

18. The nominated governor should

- a. check that the correct procedure has been followed;
- b. if a hearing is appropriate, notify the clerk to arrange the panel.

The Role of the Chair of the Panel

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

- a. the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;

- b. the issues are addressed;
- c. key findings of fact are made;
- d. parents and others who may not be used to speaking at such a hearing are put at ease;
- e. the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- f. the panel is open minded and acting independently;
- g. 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;
- h. that extra care is taken when the complainant is a child.
- i. each side is given the opportunity to state their case and ask questions;
- j. Written material is seen by all parties.
- k. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

20. The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline of 10 working days. The letter needs to explain that, if not satisfied with the outcome of the school complaints procedure, the complainant may refer their complaint to the Secretary of State for Education and Skills.

Further Action

21. If the complainant is not satisfied, their complaint may be referred to the Secretary of State for Education and Skills, if the complainant believes that the Governing Body has acted unreasonably he/she may choose to take this route.