



***Weston Mill Community Primary School***

# COMPLAINTS POLICY

**Approved and signed by Governors .....**

**Dated.....**

**January 2016**

## **Introduction**

We strive to provide a good education for all our children. The headteacher and staff work very hard to build positive relationships with all parents. However, the school is obliged to have procedures in place in case there are complaints by parents or guardians. The following policy sets out the procedures that the school follows in such cases.

If any parents are unhappy with the education that their child is receiving, or have any concerns relating to the school, we encourage them to talk to the child's class teacher immediately.

We deal with all complaints in accordance with procedures laid down by the Local Authority (LA). If the school itself cannot resolve a complaint, those concerned can refer the matter to the LA. All parents have a right, as a last resort, to appeal to the Secretary of State for Education, if they still feel that their complaint has not been properly addressed.

## **Aims and Objectives**

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints, and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child above all else. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

If necessary, support for the complainant should be arranged, for example, translation of any of the papers provided by the school or the LA, provision of an interpreter or any arrangements necessary to give the complainant full access to the proceedings, for example if the complainant has a disability.

## **The Complaints Process**

### **Stage 1: Dealing with Concerns and Complaints Informally**

If a parent is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher. In our experience, most matters of concern can be resolved positively in this way. All staff work very hard to ensure that each child is happy at school, and is 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.

Although this stage involves dealing with the issue informally it may prove helpful later, although not essential at this stage, for the person responding to make a basic record of the issue or complaint raised, which may include brief notes of conversations (face to face or over the telephone), and the responses made.

The person who raised the issue should be informed of the action to be taken to resolve the issue. It may be helpful to confirm undertakings given about future action or monitoring in writing.

If the person is dissatisfied with the response they have been given, they should be provided with a copy of the school's complaints procedure and informed about how to take their complaint to Stage 2, by referring it to the headteacher, usually in writing.

## **Stage 2: Referral to the Headteacher**

The headteacher considers any such complaint very seriously, and investigates each case thoroughly; most complaints are normally resolved by this stage. It is generally at this or the previous stage, that it will become clear whether it is appropriate for the complaint to be dealt with under these procedures or whether there are statutory processes as outlined in the Guidance for Parents. If the latter is the case, the Headteacher will need to inform the complainant of this and the way in which the complaint will be handled.

At this stage it has become clear that the concern is a definite complaint. ***Any complaint received by the headteacher under this process, whether orally or in writing, should be acknowledged within 5 school days with a full written response within 15 school days.***

Complainants should also be given the opportunity to meet with the headteacher, accompanied by a relative or friend if they so wish, to discuss their complaint. Written records of interviews with complainants and with staff or witnesses carried out in the course of the investigation should be kept by the headteacher.

In the letter conveying the outcome, the complainant should be informed of the process for referral to the Chair of Governors if they wish to take their complaint further. ***Any such referral should be made within 10 school days after receipt of the headteacher's letter.***

## **Stage 3: Review by the Chair of Governors**

The complainant requests a review of their complaint in writing to the chair of governors care of the school, making it clear why they are complaining, who they have already spoken to and what they want to happen as a result of their complaint.

***Complaints received by the Chair should be acknowledged within 7 school days with a substantive response within 20 school days.***

In acknowledging any complaint, the Chair may need to explain the powers of the governing body of the matter in question, and the extent to which it may or may not be possible to achieve the outcome desired by the complainant. In such instances it is important that the complainant is made aware at the outset of the scope of the investigation. However, where it is not within the remit of a governing body to change a decision, it may make a recommendation for the headteacher to consider.

The Chair may need to hold interviews with the Headteacher and possibly other members of staff and notes should be kept of those meetings. Chairs may also wish to take advice on particular issues from relevant officer of the LA. At this stage the LA's governor support team should be informed that the governing body is dealing with a complaint at this level.

***The governing body will arrange a meeting with the complainant to discuss the complaint in further detail; at least three days notice of the meeting will be given to the complainant.***

After hearing all the evidence, the governors will consider their decision and inform the parent about it in writing. The governors do all they can at this stage to resolve the

complaint to the parent's satisfaction. The letter conveying the Chair's findings should include details of the next stage of the procedure (Stage 4).

### Complaints Against the Headteacher

Stage 3 should also serve as the first point at which complaints are specifically aimed at the Headteacher or an individual governor. Should the complaint be about the Chair, the Vice-Chair should undertake the investigation.

Any parent/s who have a complaint about the headteacher, should first make an informal approach to one of the members of the governing body, who is obliged to investigate it. The governor in question will do all s/he can to resolve the issue through a dialogue with the school, but if parents are unhappy with the outcome, they can make a formal complaint as detailed above.

### **STAGE 4: Review by Governing Body Complaints Committee**

Complaints rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary.

***Where the clerk to the governors receives a complaint under these procedures, s/he should arrange for a complaints committee to meet between 12 and 20 school days from receipt of the letter.*** The governing body should have nominated three members to serve on the committee with reserves, to ensure that sufficient governors are available to hold a meeting within the specified time period. When considering the membership of the complaints committee, the governing body should have regard to whether it would be advisable to include governors who are employed at the school. If this were the case, it may be perceived by the complainant that those governors would be unlikely to amend or overturn a decision taken by the headteacher. In those circumstances, the complainant might regard this as grounds to complain to the LA or the Secretary of State. The members of the committee should elect one of their number to act as Chair of the committee for the hearing. ***The Chair of Governors should not be a member of the committee as s/he will have been involved at the previous stage.***

The headteacher should also be informed immediately that a complaint has been received and consulted about the proposed date of the hearing. At this stage the LA's governor support team should be informed that a hearing was taking place.

***On issuing notification of the date and time of the hearing, the clerk will need to advise the complainant and the Headteacher that any written documentation they wish the committee to consider will need to be submitted in time to be circulated to committee members 5 days prior to the hearing.*** The complainant should be advised that they may be accompanied by a relative or friend.

Notification of the hearing should also include details of the way in which the hearing will be conducted (in accordance with current LA guidance). The hearing should be minuted, and copies of all relevant correspondence and notes should be kept on file by the clerk.

***The findings of the committee should be notified to the complainant and the headteacher in writing within 5 school days of the hearing.***

## **FURTHER RECOURSE**

If the complainant is dissatisfied with the governing body's handling of their complaint, further recourse to other agencies is available to them outside the scope of the school's own procedures. However, these agencies would be unable to take any action until the school's own procedures had been completed.

### **To the Local Authority (LA)**

If, having been given the governing body's decision, a complainant believes that a complaint was not handled fairly according to the school's complaints procedure, they can write to the local authority's complaints officer. Further information about this process is available from the school or from the school or from the LA. A further meeting is chaired by an independent person, who considers all the evidence and makes a further judgement in an attempt to resolve the complaint.

The complainant should explain their complaint, and give evidence that shows that the school did not follow its complaints procedure. The department's complaints officer will acknowledge the complainant's letter within 10 working days and inform the Chair of Governors that a complaint has been received. If the evidence supports it, the complaints officer will investigate whether the school had dealt with the complaint properly according to its procedure.

The LA is not able to re-investigate the original complaint nor can it seek to substitute the LA's judgement for that of the governing body if the governors have followed a proper procedure and considered the complaint reasonably. If the results of an investigation show that there had been a breach of procedure the matter will be referred back to the governing body, with a copy to the headteacher and the complainant will be informed of the outcome of the investigation. The governing body should then re-investigate the original complaint.

### **To the Secretary of State for Education**

Complainants have a right of appeal to the Secretary of State for Education and Skills under sections 496 or 497 of the 1996 Education Act, if they believe that the LA has acted unreasonably. If the Secretary of State agrees that a complaint is justified, the DCSF has the power to require the LA to take certain actions including the issuing of instructions to school governing bodies in appropriate circumstances, although in practice this would be very rarely exercised. The Secretary of State would not take action until the school and LA procedures have been completed.

### **To the Local Government Ombudsman**

If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to the Local Government Ombudsman.

The Ombudsman can investigate complaints about how something has been done but he cannot question what has been done simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools and colleges.

The Ombudsman would not take action until the school and LA procedures have been exhausted.

## **Monitoring and Review**

The governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. The headteacher logs all complaints received by the school, and records how they were resolved. Governors examine this log on an annual basis.

Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process.

## **Communicating this Policy**

The policy will be listed on the school's publication scheme (Freedom of Information Act 2000) and made available to parents via school website, and on request.

This policy will be reviewed every two years, or before if necessary.

**Agreed by Governors on**\_\_\_\_\_

**Chair of committee signature**\_\_\_\_\_