Sir Thomas Abney
PRIMARY SCHOOL

Complaints' Policy

Approved by:	Sir Thomas Abney Governing Body	**Date:** January 2018
Last reviewed on:	January 2018	
Next review due by:	January 2020	

Our School

We pride ourselves on being an inclusive school, where we celebrate diversity and difference and acknowledge the richness that this brings to our school community. We aim to provide opportunities for all children to access a broad, balanced and creative curriculum, regardless of age, attainment, ethnicity, language or background that is personalised to meet children's individual needs.

1. Introduction

1.1. Governing bodies are required by law to have a procedure in place to deal with complaints relating to aspects of the school or the provision of facilities or certain services at the school. The law requires that this procedure must be publicised.

1.2. The vast majority of complaints and concerns can be resolved informally. A 'concern' may be defined as 'an expression of worry for which reassurances are sought'. A 'complaint' may be generally defined as 'an expression of dissatisfaction about actions taken or lack of actions'.

1.3. A complaint can be brought by a parent of a registered child at the school or any person who has been provided with a service or a facility at the school. The procedure refers to this person as a complainant.

1.4. The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing. All complaints will be dealt with confidentially.

1.5. At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making an education complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

1.6. A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action.

1.7. Even when a complaint has been made it can be resolved or withdrawn at any stage.

1.8. Sir Thomas Abney School does not have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. However, the majority of complaints will be dealt with by the Headteacher or member of the Senior Leadership Team.

1.9. A complaint should be made as soon as possible after an incident occurs (3 months is considered to be an acceptable time limit).

2. Special Circumstances

2.1. Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the Headteacher or Governing Body.

3. Other Solutions to Complaints

3.1. 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.

3.2. In addition, school reorganisation proposals, child protection investigations, whistleblowing, staff grievance & disciplinary issues and complaints provided by other providers who may use school premises or facilities fall outside the scope of this procedure. In the majority of cases, these issues are covered by separate policies.

4. Dealing with concerns informally

4.1. The complainant will be given an opportunity to discuss their concern with the appropriate member of staff. An appointment may need to be made. The complainant will be asked what they think might resolve the issue.

4.2. The complainant is able to bring a friend to any discussion.

4.3. The member of staff dealing with the concern will make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.

4.4. This stage should be completed speedily and concluded in writing with appropriate detail.

4.5. Where no satisfactory solution has been found, the complainant will be informed that s/he will need to consider whether to make a formal complaint in writing to the Headteacher. To assist in this process a complaint form can be provided. (Form attached)

5. Stage 1 – Referral to the Headteacher for investigation

5.1. The Headteacher will acknowledge the complaint in writing. In some cases the Headteacher will have already been involved in looking at the matter; in others it will be his/her first involvement.

5.2. The Headteacher will consider providing an opportunity to meet with the complainant to supplement any information previously provided.

5.3. If the complaint is against a member of staff the Headteacher will talk to the staff member against whom the complaint has been made.

5.4. If necessary, the Headteacher will interview witnesses and take statements from those involved.

5.5. The Headteacher will keep reasonable written records of meetings, telephone conversations and other documentation.

5.6. Once all the relevant facts have been established, the Headteacher will produce a written response to the complainant. The Headteacher may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.

5.7. The written response will include a full explanation of the decision and the reasons for it. Where appropriate, it will include what action the school will take to resolve the complaint.

5.8. Stage 1 will 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 Headteacher will write to the complainant giving a revised target date.

5.9. Schools will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).

5.10. The formal stage 1 response will also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Governing Body within 15 school days of receiving the outcome letter. The outcome letter will set out the

name of the Chair of the Governing Body and the address to which the complainant can send the letter.

5.11. **Complaints against the Headteacher -** If the complaint is wholly or mainly about the Headteacher, the Governing Body will consider the complaint in accordance with Stage 2 of the procedure described below. However, before Stage 2 is instigated the Chair of the Governing Body will invite the Headteacher to respond to the complaint in writing within ten school days. The Chair will send a copy of the Headteacher's response to the complainant who will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response stage 2 should commence as described in paragraph 6.1 below.

5.12. Complaints against the Chair of Governors or any individual governor should be made in writing to the Clerk of the Governing Body.

6. Stage 2 – Consideration by the Governing Body

Complaints will not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised.

6.1. If the complainant decides to take the matter further, the Chair of the Governing Body should write to the complainant to acknowledge the complaint within five school days of receipt of the complaint. A copy of the acknowledgement and the complaints form will be sent to the Headteacher and the Clerk to the Governing Body. (A standard letter is attached to this document which the Chair may wish to use).

6.2. Investigating the complaint – If the complaint has been investigated at Stage 1, the result of the investigation must be made available to the Clerk/Chair by the Headteacher. However, where the complaint is against the Headteacher and the complaint is referred to Stage 2, the Chair of the Governing Body must decide how the complaint should be investigated. Where the facts of the complaint are clearly established, it is unlikely for the Chair of the Governing Body to order an investigation. The matter may instead be escalated directly to the Complaints Appeal Panel.

6.3. Governing bodies are advised to establish a Complaints Appeal Panel (CAP) drawing on three governors with no prior, direct involvement with the complaint. In deciding the make-up of the CAP, where possible the governing body will 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. Complainants have the right to request an independent panel if they believe there is likely to be bias. The school will consider the request, but ultimately, the decision is made by governors.

6.4. The Headteacher should not serve on the CAP. If the Chair of the governing body has had any prior involvement in the complaint then the Chair **must not** sit on the CAP.

6.5. The CAP should consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP will reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

6.6. The Chair of the CAP will take a decision at the beginning of Stage 2 on whether to seek the services of a Clerk to:

- Deal with the administration of the procedure;

- Provide independent advice on procedure and evidence;
- Ensure that the relevant facts are established;
- Minute the meeting; and
- Draft the decision letter.

6.7. The Clerk/Chair of the CAP will write to the complainant to explain how the review will be conducted. The letter will be copied to the Headteacher.

6.8. The Clerk/Chair of the CAP should confirm the date of the meeting with the other governor(s).

6.9. The complainant and Headteacher will be invited to attend the meeting. The date and time of the meeting will be convenient to the complainant and Headteacher, within reason. The notification will inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It will also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.

6.10. The Headteacher will also be invited to prepare a written report for the CAP in response to the complaint.

6.11. All relevant correspondence regarding the complaint will be circulated to the CAP; the complainant and the Headteacher in advance of the meeting.

6.12. If the Headteacher and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP will be obtained in advance of the meeting.

6.13. It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.

6.14. The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

6.15. If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.

6.16. The meeting will allow for:-

- The complainant to explain his or her complaint and the Headteacher to explain the reasons for his or her decision;
- The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher;
- The CAP to have an opportunity to question both the complainant and the Headteacher;

- Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; and

- A final statement by the Headteacher and complainant.

6.17. The Chair of the CAP will explain to the complainant and the Headteacher that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Headteacher and any witnesses will then leave.

6.18. The CAP will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

6.19. As in Section 1.8 above, the CAP will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

6.20. The Clerk/Chair of CAP will send a written statement outlining the decision with reasons to both the complainant and the Headteacher.

6.21. Stage 2 will be completed in 15 school days. However, it is recognised that this timetable is likely to improve impossible for complaints which are complex. In such cases the chair of the complaints committee will write to the complainant and Headteacher giving a revised target date.

7. Role of the Secretary of State, Department for Education

7.1. If the complainant is unhappy with the way in which a school has dealt with the complaint, they may be able to approach the Secretary of State, Department for Education (DfE) to intervene. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

7.2. The School Complaint's Unit (SCU) considers complaints relating to Local Authority maintained schools on behalf of the Secretary of State. More information regarding what and how they will consider complaints is set out in the DfE's Best Practice Advice for School Complaints Procedures - a copy of the 2016 toolkit can be downloaded from the Gov.UK website (go to https://www.gov.uk/government/publications/school-complaints-procedures)

7.3. More information can be obtained from the SCU by calling the national Helpline on 0370-000-2288 or going online at www.education.gov.uk/help/contactus or by writing to:

Department for Education
School Complaints Unit
2nd floor, Piccadilly Gate
Store Street
Manchester M1 2WD

7.4. The Gov.UK website also has information on how to complain about a school - go to

http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school

8. Serial and Persistent or Unreasonable Complaints

8.1. There will be occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

Please refer to **Policy for Unreasonable Complainants**

Policy Review: February 2020

School Complaint Form (for Stage 1 complaints)

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 Headteacher. {If your complaint is against the Headteacher you will need to send the form to the Chair of the Governing Body}

Your Name:			
Address:			
		Post Code	
Telephone Number (Home):			
Telephone Number (Day):			
Telephone Number (Mobile):			

Name of Child	
Date of Birth of child	

What is your complaint about and what would you like the Headteacher to do? *Continue on a separate sheet as necessary*

When did you discuss your concern/complaint with the appropriate member of staff? *Continue on a separate sheet as necessary*

What was the result of the discussion? *Continue on a separate sheet as necessary*

Signed:		**Date:**	

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

Complaint re

Thank you for your letter dated…… setting out the reasons why you are not satisfied with the Headteacher'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 Stage 2 of the attached 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 Headteacher

I have received your complaint against the Headteacher of ……School.

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

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

If you are not satisfied with the Headteacher'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

Cc The Headteacher
The Clerk to the Governing Body

Enc. Complaints Procedure