

Lainesmead Primary School



Lainesmead Primary School Complaints Policy

This policy should be used in conjunction with the DFE Guidance (School Complaints Tool Kit 2014) and alongside the School/Home Agreement

Approved by Governors: January 2016

Signatures

Headteacher Eirian Painter

Chair of Governors Sarah Newton

Lainesmead Primary School Policy for dealing with Complaints

We all want the children to be happy, successful, safe and valued at school. Ofsted have always praised the behaviour of our pupils and the positive attitudes that they have to their learning. The provision for the welfare, health and safety of pupils has been consistently good in its three Ofsted inspections from 2001 to 2014.

However, sometimes things go wrong. Mistakes can be made. Misunderstandings can happen. In a school environment where hundreds of people are living and working together, not everything will be perfect. We are very aware of the importance of communication and clear messages.

If you feel, for any reason that something is not being done to your satisfaction, please let us know. An early meeting will often stop the build up of concerns becoming a more difficult problem to resolve.

The procedure to be followed in the event of a **formal complaint** being made is summarised in the following stages:

Stage 1: Informal Action

- Parents discuss concerns with the class teacher
- If the teacher is unable to deal immediately with the matter, a clear note is made, including complainant's name, phone number and date, and the parent is contacted by the class teacher as soon as the matter has been investigated. The teacher may also consult the Headteacher/SLT at this stage.
- The teacher ensures that the parent is clear what action or monitoring of the situation has been agreed.
- If no satisfactory solution has been found, parents are asked if they wish their concern to be escalated further.
- If this is the case the complainant should complete a complaint form available from the school office or website. (Appendix A)
- As soon as the school is in receipt of a complaints form from a parent a senior member of staff is appointed as case co-ordinator.

Stage 2: Referral to the Headteacher * this may be delegated to the Deputy Head/Business Manager/ Inclusion Manager as appropriate

- The complaint is acknowledged either in writing or verbally within three * working days
- A meeting is arranged with the complainant to clarify and supplement any information given. The complaint is investigated further, interviewing witnesses as appropriate. If the complaint centres on a pupil, it may be appropriate for the pupil to be interviewed with a parent present or, if this is not possible, with a member of staff who is not directly involved.

- Written records of meetings, telephone conversations and other documentation are kept.
- Once all relevant facts have been established, the person dealing with the complaint responds in writing within five * working days.
- If this time limit is unrealistic for the level of investigation required the Headteacher may set a new time limit and the complainant will be sent details of the new deadline with an explanation of the delay.
- If the complainant is not satisfied, they are advised to write to the Chair of Governors care of the school.
- If the complaint is against the Headteacher, the complainant should write to the Chair of Governors care of the school.

Stage 3: Review by the Chair of Governors

- The Chair of Governors is authorised to act on behalf of the governing body to make decisions relating to parental complaints.
- The complaint is acknowledged either in writing or verbally within three working days
- A meeting is arranged with the complainant to clarify and supplement any information given. The complaint is investigated further, interviewing witnesses as appropriate. If the complaint centres on a pupil, it may be appropriate for the pupil to be interviewed with a parent present or, if this is not possible, with a member of staff who is not directly involved.
- Written records of meetings, telephone conversations and other documentation are kept.
- Once all relevant facts have been established, the person dealing with the complaint responds in writing within five working days.
- If this time limit is unrealistic for the level of investigation required the Chair of Governors may set a new time limit and the complainant will be sent details of the new deadline with an explanation of the delay.
- If the complainant is not satisfied, they are advised to appeal in writing to the Clerk of Governors. The Clerk of Governors acknowledges receipt of the written complaint, informing the complainant that the complaint is to be heard by a Complaints Panel of three members of the School's Governing Body within twenty working days.

Stage 4: Review by the Governing Body

- The Clerk to Governors arranges to convene a Complaints Panel selected from members of the Governing Body. The members should have no prior involvement with the complaint. All relevant documentation regarding the complaint should be given to the members of the committee as soon as possible.
- The Chair of the Committee will write and inform all concerned of the date, time and place of the meeting at least 5 * working days in advance. The notification to the complainant should also inform him/her of the

right to be accompanied to the meeting by a friend and the right to submit further written evidence.

- The Chair of the Committee may seek advice from SBC, HR, Governor Support and or Legal
- It is the responsibility of the Chair of the Committee to ensure that the meeting is properly minuted.
- After the meeting, the Committee will consider the evidence and a written decision will be sent to the Headteacher, the Chair of Governors and the complainant within 5 * working days.
- There may be occasions when despite all stages of the procedure being 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 the matter is now closed.

Stage 5: Beyond the Governing Body Beyond

If you consider that the governing body has not acted properly in carrying out its investigation into your complaint you have the right to complain to the Local Authority (LA) as it has responsibility to ensure that governing bodies act properly. The LA does not have the power to instruct a governing body to reverse its decision but will want to satisfy itself that the governing body has conducted the investigation fairly.

In the unlikely event that you will need to complain about the governing body's handling of a complaint please write to:

Group Director: Children's Services, Swindon Borough Council, Beckhampton Street, SN1 2JH

Please note that the LA can only act when each step of the school's complaints procedure has been followed.

If you think your school's governing body or your local authority is acting "unreasonably" you can write to the Secretary of State for Education. Complaints to the Secretary of State are handled by the government's Department for Education (DfE) www.education.gov.uk/form/school-complaints-form. [School complaints unit](#)

You can write to the school complaints unit (SCU) at: Department for Education, 2nd Floor, Piccadilly Gate, Manchester, M1 2WD.

For further information refer to the DfE School Complaints Procedure 2011 which can be downloaded from the Department for Education Website.

The Role of the Department for Education

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

In the unlikely event that you will need to complain to the LA about the governing body's handling of a complaint please write to:

Group Director: Children Services
Swindon Borough Council
Beckhampton St
SN1 2JH

Please note that the LA can only act when each step of the school's complaints procedure has been followed.

Finally, if you think your school's governing body or your Local Authority is acting 'unreasonably' you can write to the Secretary of State for Education. Complaints to the Secretary of State are handled by the government's Department for Education (DfE) - School Complaints Unit.

You can write to The School Complaints Unit (SCU) at:

Department for Education 2nd Floor,
Piccadilly Gate
Manchester
M1 2WD

Or electronically at www.education.gov.uk/form/school-complaints-form

Appendix 1 - The Remit of the Complaints Appeal Panel

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.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. 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.
- 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. 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.
- The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The DfE strongly recommends 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, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties five days in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.
- (as best practice, copies of panel meeting minutes should be shared with all parties involved in the hearing, providing reasonable opportunity for the minutes to be agreed)

The Role of the Chair of the Governing Body or the nominated governor

The nominated governor role:

- check the correct procedure has been followed;
- If a hearing is requested, 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 to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- 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.
- ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The 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 Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher 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 Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.



Appendix A

Complaint Form

Please complete and return to.....
(complaints co-ordinator) who will acknowledge receipt and explain what
action will be taken.

Your name:

Pupils 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 whom:

Complaint referred to:

Date: