



Beecroft Garden
PRIMARY SCHOOL

COMPLAINTS POLICY AND PROCEDURE

DATE: SEPTEMBER 2014

Introduction

Section 29 of the Education Act 2002 introduced a new legal duty on the governing bodies of maintained schools in England, (including maintained nurseries,) 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.

Our Complaints Policy

Our policy is to work in partnership with parents and the wider community. It is based on the belief that co-operation and a sense of joint purpose between staff, parents and the school will assist in ensuring open and positive relationships.

From time to time, however, parents and members of the public may express concern or make a complaint, in person, by phone, email or in writing, about some aspect of the conduct or operation of the School, the conduct of the Head Teacher, an individual member of staff, the Governing Body, an individual Governor or a service or facility at the school.

We will always give serious consideration to concerns and complaints that are brought to our attention. It is much easier to sort out a current or recent problem, than something that happened some time ago. Anonymous complaints however, will not normally be considered.

Our Promise to You

In considering concerns or complaints, we will:

- Treat your concern or complaint honestly and politely
- Look into your concern or complaint thoroughly, fairly and as quickly as possible
- Keep you up-to-date with what we are doing
- Apologise if we have made a mistake
- Tell you what we are going to do to put things right. This procedure refers to this person as a complainant.

Our Complaints Procedure

Scope of the Complaints Procedure

The School and Governing Body would in most cases hope to resolve concerns and complaints at an informal stage, but our procedures allow for formal consideration of a complaint and an Appeals stage if matters cannot be resolved.

Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply.

- Child Protection
- Complaints about the curriculum or religious worship
- Complaints about school admissions or pupil exclusions
- Staff grievance procedures
- Freedom of Information access
- Services provided by other organisations on the school site or through the school

We ensure that all organisations using the school premises have their own complaints procedure.

Aims

We aim for our Complaints Procedure to be simple to understand and use. By using our Complaints Procedure we aim to:

- Resolve problems by informal means wherever possible
- Be impartial by not taking sides
- Be non-adversarial by not pre-judging or forming an opinion
- Ensure swift handling by setting time-limits for action
- Keep everyone informed of the progress and outcomes
- Ensure a full and fair investigation by an independent person where necessary
- Respect people's right to confidentiality
- Ensure all the points of issue are addressed and an effective response is provided
- Ensure that appropriate action is carried out

When we address concerns and complaints competently, it will also help to identify how the school can improve.

The Stages of Complaints

At every stage we will clarify exactly who will be involved, what will happen, and how long it will take.

Regarding timescales, there may, on occasion, be the need for some flexibility; for example, the possibility of further hearings between the complainant and the member of staff directly involved or further investigations may be required by the Head Teacher after a hearing with a complainant.

Stage 1

Complaint heard by class teacher / member of staff. If the complainant is unwilling to discuss the matter with the class teacher / member of staff at Stage 1, the complaint will be heard by the Head Teacher under the informal procedure.

Stage 2

Complaint heard by Head Teacher or the Governing Body's Complaints Panel if the complaint is about the Head Teacher or the Head Teacher has dealt with the complaint at Stage 1.

Stage 3

Appeals to the outcome of the Complaint's process heard by the Governing Body's Complaints Appeals Panel.

A summary flow chart of the Complaints Procedure is outlined in Appendix A.

The Informal Complaints Procedure

Stage 1: Complaint heard by Class Teacher / member of staff

The vast majority of concerns can be resolved informally.

We hope you feel able to raise concerns with members of staff without formality, either in person, by telephone or in writing. We want to know your worries and concerns as soon as possible. If this is difficult for you, a friend can speak to us on your behalf. Our support and respect for you and your child will not lessen in any way. It is much easier for us to sort out a recent problem than something that happened some time ago.

Try to go to the member of staff involved or your child's class teacher who will either deal with your issue or refer you to someone who is in a better position to help. An accurate record of your concern(s) will be made.

Please remember the beginning or end of the school day can be a very busy time. If you talk to a teacher at these times, for practical reasons, it may not be possible to sort things out there and then. Be ready for the teacher/member of staff to offer to see you or ring you as soon as possible. You should not be expected to wait more than a week.

At first it may be unclear whether a question is being asked, or an opinion is being expressed, rather than a complaint being made. This preliminary discussion about an issue will help you decide whether you wish to take the matter further.

If the member of staff is unable to deal with or resolve the matter immediately, they will advise you that further investigation into the issue(s) raised is required and confirm that you will be contacted as soon as the matter has been investigated. The member of staff will inform the Head Teacher of your concerns at this stage.

Following any investigation, the member of staff will provide a written response to you outlining the decision and the reasons for it. Where appropriate, it will include what action the school will take to resolve your concerns and any monitoring of the situation that has been agreed, along with any timescales for review.

It may be helpful for staff to meet you to discuss / resolve the matter before confirming the outcome in writing.

Stage 1 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 member of staff dealing with the matter should write to you, giving a revised target date and the reasons for the delay.

If you are unhappy to raise their concerns with the class teacher, or the concerns are about the class teacher, this should be raised directly with the Head Teacher as set out below in **Stage 2**.

The Formal Complaints Procedure

Stage 2: Referral to the Head Teacher

Where an informal complaint has not been resolved to the satisfaction of the complainant or the complainant has indicated they wish to move straight to the formal procedure the Head Teacher (or Chair of Governors as appropriate) will handle the complaint. (Appendix C)

The Head Teacher will acknowledge the complaint, (in person, in writing or via email) within 3 working days of receipt. They will offer the complainant the opportunity to meet and clarify the details of the complaint and provide any supplementary information to that already provided.

If the complaint is against a member of staff the Head Teacher will talk to the staff member against whom the complaint has been made at the earliest opportunity and provide them with a copy of the complaint.

The Head Teacher may feel that further investigation of the complaint is necessary and arrange for an investigation to be carried out. If necessary, the Head Teacher will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil would normally be interviewed with a parent present. If this is not possible, a member of staff who is not directly involved with the complaint will be present during the interview.

The Head Teacher may delegate the task of gathering the information to another staff member / member of the Senior Leadership Team, but not the decision on the action to be taken.

Once all the relevant facts have been established, the Head Teacher will produce a written response to the complainant providing a full explanation of the decision and the reasons for it. Where appropriate, it will include details of any actions or steps the school will take to resolve the complaint and any timescales for review / monitoring. The Head Teacher may wish to meet with the complainant to discuss / attempt to resolve the matter before confirming the outcome in writing.

The formal Stage 2 response will include the name of the Chair of the Governing Body and the address to which the complainant can send a letter should they choose to appeal against the Stage 2 decision. An appeal should be submitted within 15 school days of receiving the Stage 2 outcome letter.

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).

Complaints against the Head Teacher

If the complaint is wholly or mainly about the Head Teacher, the Governing Body will consider the complaint in accordance with Stage 3 of the procedure described below. However, before Stage 3 is instigated and depending on the nature of the complaint, the Chair of the Governing Body will invite the Head Teacher to respond to the complaint in writing within ten school days. The Chair will send you a copy of the Head Teacher's response and ask you to indicate within five school days of receipt of the response whether you are satisfied with the response.

If you are not satisfied with the Head Teacher's response, Stage 3 will commence as set out below but will be led by the Chair of the Governing Body, who will investigate the complaint. Any subsequent hearing will be before the Governing Body Complaints panel.

Stage 3: Appeals to the Governing Body

If the complainant submits a letter of Appeals following the outcome of Stage 2, the Chair of the Governing Body will acknowledge receipt of the written letter of Appeals, informing the complainant that the complaint is to be heard by a Panel of three members of the Governing Body's Complaints Appeals Panel within 20 working days.

The Chair arranges to convene a Complaints Appeals Panel elected from members of the Governing Body. (Appendix B) The members should have no prior involvement with the complaint and they should elect a Chair for the panel. All relevant documentation regarding the complaint should be given to the members of the panel and the complainant as soon as possible.

The Head Teacher should not serve on the Complaints Appeals Panel. If the Chair of the Governing Body has had any prior involvement in the complaint they **must not** sit on the Complaints Appeals Panel.

The Chair of the Complaints Appeals Panel will write and inform all concerned of the date, time and place of the hearing at least 5 working days in advance. The complainant will also be advised of their right to be accompanied to the hearing by a friend and the right to submit further written evidence. The format for a Complaints / Complaints Appeals Hearing is set out in Appendix D.

It is the responsibility of the Chair of the Complaints Appeals Panel to ensure that the hearing is properly minuted.

After the hearing, the Complaints Appeals Panel will consider the evidence and a written decision will be sent to the Head Teacher and the complainant within 15 working days.

The Complaints Appeals Panel should consider the complaint on the basis of the written evidence and should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues. (Appendix D)

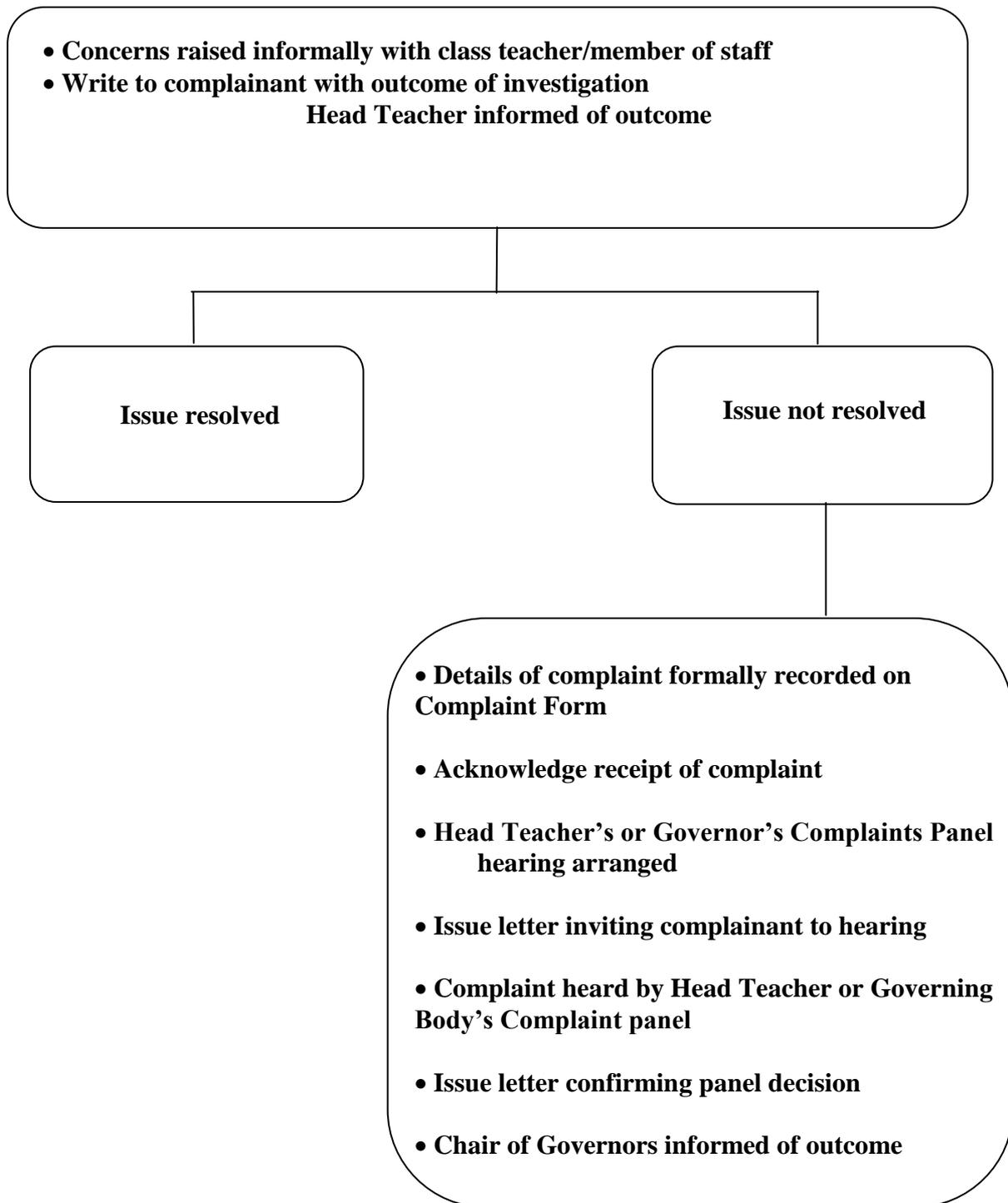
There is no further right of Appeal.

Complaints beyond Stage 3

If the complainant is unhappy with the way in which a school has dealt with the complaint, or the final decision made by the school, a complaint can be submitted to the Secretary of State, Department for Education.

**Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD**

Summary of Dealing with Complaints at Beecroft Garden Primary School



Appendix B

Roles and Responsibilities

The Role of the Clerk to the Governing Body

The Local Authority strongly recommends that any panel or groups 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 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

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

The nominated Governor role is to:

- Check that the correct procedure has been followed
- Notify the clerk to arrange the panel if a hearing is appropriate

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 is given the opportunity of putting their case without undue interruption
- The key 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

Notification of the Panel's Decision

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 that is publicised in the Procedure. The letter needs to explain if there are any rights of Appeals and, if so, to whom they need to be addressed.

Appendix C

Beecroft Garden Primary School Complaints Form

Please complete this form and return to your child's class teacher or the Head Teacher who will acknowledge receipt and explain what action will be taken.

Your name

.....

**Pupil's
name**

.....

**Your relationship to the
pupil**

.....

Address

.....
.....
.....

Postcode

.....

Daytime telephone number

.....

Evening telephone number

.....

Email address

.....

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, when, 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

Office use

Date acknowledgement sent

By who

Complaint referred to.....

Date of referral

Format for a Complaints/Complaints Appeals Panel Hearing

Whilst a hearing before the Complaints Appeals Panel is a formal hearing it should be conducted as informally as possible.

- The Complaints Appeals Panel hearing will be convened at a date, time and venue convenient to all parties. The notification should inform the complainant of his/her right to be accompanied to the hearing by a friend/representative. It should also explain how the hearing will be conducted and of the complainant's right to submit further written evidence to the Panel.
- The Chair of the Panel is responsible for the conduct of the hearing.
- A copy of the Head Teacher's /Chair of Governors' Report on which Stage 2 decision was based, along with a copy of all relevant correspondence regarding the complaint should be sent to each member of the Panel, the complainant and the Head Teacher at least 7 days in advance of the hearing.
- The complainant and Head Teacher/Chair of Governors may each be accompanied by a representative or friend.
- In the case of a complaint against a member of staff, the member of staff against whom the complaint was made has the right to be accompanied to the hearing by a trade union representative or work colleague.
- The complainant and the Head Teacher/Chair Governors may request witness to be called to provide evidence. If the Head Teacher and/or the complainant wish to call witness, the agreement of the Chair of the Panel should be obtained in advance of the hearing.
- Witnesses will only attend for the part of the hearing in which they give evidence.
- After introductions, the complainant is invited to present their case. If appropriate, the complainant's witness will be heard at this point. If the complainant wishes to submit any additional supporting documents to the panel during the hearing.
- The Head Teacher/Chair of Governors will be entitled to question the complainant and any witnesses.
- 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.

- The Head Teacher/Chair of Governors will present their report on the investigation to the Panel, together with any supporting documents and any actions taken to resolve the complaint.
- The complainant or their representative will be entitled to question the Head Teacher and any witness.
- The Panel may ask questions at any point.
- Any reasonable request for an adjournment should be allowed at the discretion of the Chair of Panel.
- The complainant is then invited to sum up their complaint.
- The Head Teacher/Chair of Governors is then invited to sum up the School's response to the complaint.
- The Chair of the Panel confirms the arrangements for notifying both parties of the outcome of the hearing.
- Both parties then leave the hearing to allow the panel to reach a decision.