

# Earlsmead Primary School

## Complaints Procedure

<b>Policy summary</b>	The school's responsibilities relating to safeguarding and promoting the welfare of pupils.
<b>Affects</b>	Staff, Volunteers, Pupils, Parents, Carers, Governors
<b>Status</b>	Statutory
<b>Approved by</b>	Resources Committee
<b>Last approved revision date</b>	February 2022
<b>Next review date</b>	February 2025
<b>Related policies, procedures and forms</b>	Anti-Bullying, e-safety, Behaviour, Inclusion and SEN

## **Rationale**

From 1 September 2003 Governing Bodies of all maintained schools in England are required, under section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides.

The policy and procedures aim to ensure that the difference between concerns and complaints is clearly understood and that both are raised, handled promptly, fairly and in a manner that is perceived to be thorough and objective by parents.

The policy and procedures relate to general parental complaints. Complaints relating to admissions, exclusions or Special Educational Needs provision will normally be handled by separate, statutory mechanisms and certain complaints e.g. staff grievance and discipline procedures, fall outside the scope of this general complaints policy and procedures as do matters that are likely to require a Child Protection investigation.

The policy and procedures have been drafted in line with the Governor's Guide to the Law, LA and DfE guidance (Best Practice for School Complaints Procedure).

## **Aims**

Earlsmead aims to be a caring, positive, supportive and listening school which provides high quality care, education and therapeutic provision to meet children's individual needs, enhance self esteem and maximise personal and educational progress.

We aim to provide a warm, welcoming environment where all members of the school community feel valued and respected as individuals; where there is good communication, an openness and willingness to listen and where parents/carers feel sufficiently comfortable and confident in raising any difficulties, concerns and complaints they may have.

We aim to:

- listen to the views of parents/carers about their children's education and well being ;
- take informal concerns seriously at the earliest stage;
- handle all complaints, if possible, without the need for formal procedures in a fair, impartial and non-adversarial manner;
- take any complaint seriously, address all the points at issue and provide a thorough and appropriate response and appropriate redress where necessary;
- handle all complaints swiftly within established time limits, keeping all concerned of progress as the complaint is being dealt with;
- ensure a full and fair investigation by an independent person where necessary;
- invoke and follow formal procedures when initial attempts to resolve issues are unsuccessful and the complainant remains dissatisfied and wishes to take the matter further;
- learn from any mistakes or weaknesses in order to improve further the standards of education and care offered by the school;
- ensure that children are not penalised or intimidated as a result of his/her parent or carer making a complaint;

- ensure there are clear and detailed procedures for handling complaints which are available to parents/carers in an accessible, easily understood format;
- respect individual's desire for confidentiality;
- ensure that any third party provider offering community facilities or services through the school premises or using school facilities have their own complaints procedure in place.

## **Equal Opportunities**

At Earlsmead we value every one of our children and staff. We celebrate diversity and are committed to countering all forms of discrimination (whether by individuals or systems), particularly those that result in inequalities and injustices. We will, through the Complaints Policy and Procedures, foster an ethos of openness, good communication, transparency and fairness.

## **Roles & Responsibilities**

The governing Body is responsible for:

- ensuring the policy and procedures are in place;
- monitoring, evaluating and reviewing the implementation and effectiveness of the policy and procedures annually by receiving a summary report of numbers and types of formal complaints together with outcomes;
- not discussing individual complaints and, on receipt of a complaint, directing the complainant to the school's complaints procedures and leaflet.

The Headteacher is the nominated member of staff with responsibility for the operation and management of the complaints policy and procedures. The Headteacher is responsible for:

- ensuring the policy and procedures are effectively implemented;
- ensuring that staff and parents are aware of and informed about the complaints policy and procedures;
- ensuring that the policy is published on the school's website and that information is given to new parents when their children join the school;
- ensuring that all complaints are logged;
- ensuring that complaints are handled fairly and objectively within designated time frames.

All staff are responsible for:

- being available to discuss and help parents with problems and concerns;
- informing Headteacher and/or Deputy Head of concerns and complaints raised by parents or carers.

## **Monitoring & Evaluation**

The Headteacher will report annually to the Governing Body, summarising the numbers and types of formal complaints received, together with outcomes.

The impact & effectiveness of the policy will be evaluated over a 3 year period.

This review will be led by the designated member of staff with responsibility for the operation and management of the complaints policy and procedures. The policy will be amended and updated on the basis of these reviews.

## **COMPLAINTS BY PARENTS**

### **Introduction**

We aim to provide your child with the best possible education and meet his or her needs as well as we can. However, in any school, parents may occasionally feel concerned about something or have a complaint. If this is the case we want to hear from you.

### **What is a complaint?**

It can be a concern or problem or feeling of dissatisfaction that you have about an aspect of our work.

### **What do I do if I have a complaint about the School?**

Tell a member of staff. Preferably speak with the member of staff most knowledgeable of the facts of the matter. He or she will talk it over with you and try to sort things out. She/he will discuss your complaint with you and seek to resolve the matter.

There are certain specific complaints that are handled differently;

- if your child is refused admission to the school you have a statutory right to appeal to an independent appeals panel. The school will be able to give you details;
- if your child has been excluded for between 5 and 15 school days, you have a right to make representation to the governing body. If your child has been permanently excluded you have the right to an independent appeal.

### **What do I do if I feel my complaint hasn't been sorted out?**

You may contact the school office and ask for an appointment to see the Headteacher. The Headteacher will listen carefully and ask you any questions to help her understand the situation fully. She will probably then need to talk to other people, but will get in touch with you as soon as she is able to respond fully. This is referred to as the **informal stage** of the complaints procedure.

## **If I feel unhappy with what the Headteacher says, what can I do then?**

You may then write to the Chair of the school's governors (or designated governor), at the school address, setting out your complaint and why you are unhappy with the school's response. Please write within 14 days of receiving the Headteacher's response. The Chair (or designated governor) will write acknowledging your letter within a few days and may invite you for an informal meeting to discuss your complaint. If not, the Chair (or designated governor) will then write again once she/he has investigated more fully. You should receive a full response within 14 days. This is still referred to as the **informal stage** of the complaints procedure.

## **What happens if I am unhappy about the Chair of Governors' response?**

You are entitled to ask a panel of governors to meet to consider your complaint. If you want to do this, write to the Chair or Clerk to the governing body within 14 days of receiving the Chair's response. Say that you have a formal complaint and that you remain unhappy with the way the school and Chair of governors have responded, and that you would like a panel of governors to consider your complaint. There is no need to write all the details of the complaint in this letter but you will be required to explain clearly what you are complaining about. The Clerk will contact you about the panel and explain what will happen. You may bring someone with you if you wish. This part of the procedure is referred to as the **formal stage** of the complaints procedure.

## **What happens at the Panel Meeting?**

One of the governors will chair the meeting, and she/he will explain what will happen. You may be asked to outline your complaint. Panel members and/or the Headteacher who will also be present, may ask you questions. The Head teacher will then explain how the school has responded to the complaint, and then you and the panel may ask the Headteacher questions. You may also ask other people (witnesses) to speak about what happened.

After this, everyone except the panel and the person taking minutes will leave, so that the panel can consider its findings. The Chair of the panel will write to you within a few days setting out the panel's findings. They will also write to the Headteacher and Chair of governors. Their findings are binding upon the school.

The panel's findings are the school's final response to you about your complaint. Schools are responsible for their own activities, and the Local Authority cannot get involved. The Local Authority cannot tell a school or governing body what to do. If you are still unhappy you could write to the Secretary of State for Education, but again there is no power to intervene unless the governing body has acted unreasonably or has failed to fulfil its statutory responsibilities.

## **What might a complaint be about?**

- your child's academic/social progress;
- bullying by other pupils;
- your child's relationship with teachers or other staff;
- homework, too much or too little of it;
- unfair treatment of your child as you or your child perceive it;
- issues on the Health and Safety of your child;
- absence(authorised/unauthorised);
- missing property;
- detentions and other sanctions;
- Parents' Evenings;
- Any situation which causes you or your child concern.

## **How to Complain – A Summary**

- talk to the staff member concerned or other appropriate staff member;
- talk to the Head teacher
- write to the Chair of Governors;
- write to ask for a complaints panel.

## **Finally**

Please be assured that we will take your complaint seriously and treat you fairly. If something has gone wrong, we want to put it right.

## SCHOOL COMPLAINTS PROCESS

There are four stages available to parents seeking to address concerns or complaints relating to their child's education at the school.

1. In most cases the parent should approach the member of staff concerned, to discuss the matter informally.
2. If the parent feels that the matter is not resolved or feels unable to discuss it with the staff member, she/he should then discuss it with the Headteacher or other designated senior teacher.
3. If the matter remains unresolved, or if the complaint is about the Headteacher, the parent should write to the Chair of governors (or designated governor) care of the school, setting out the complaint and the attempts made to resolve it. The Chair (or designated governor) will then investigate the matter and respond to the parent in writing. If the parent remains dissatisfied, she/he should write to the Chair or Clerk to the governing body requesting that a panel of governors is convened to hear the complaint. The panel will make a definitive and final response on behalf of the school that is binding upon the Chair governors and Headteacher.
4. Should this full procedure fail to lead to a resolution of the issues in the parent's view, she/he can write to the Secretary of State for Education at the DfE. The only situation where the DfE is likely to become involved however is where the governing body is judged to have acted unreasonably or has failed to fulfil its statutory responsibilities. Internal school matters are not in the Secretary of State's remit.

The Local Authority has no statutory power to intervene in such issues beyond giving advice or making recommendations. There is no right of appeal to the Director of Education or to Members of the Council. A final recourse for a parent might be to apply to the High Court for judicial review.

## **PROCEDURAL GUIDELINES FOR EACH STAGE**

### **INFORMAL STAGE**

#### **Information discussion with Staff Member**

The staff member will give the parent her/his undivided attention for a reasonable time in order to listen and respond to the concern. If the staff member is unable to do so immediately, she/he will offer the parent an appointment as soon as possible within 3 working days. If the staff member subsequently needs to investigate the issue before responding, she/he will inform the parent and state when a response should be available, within 3 working days. If it proves impossible to meet this deadline the staff member will contact the parent and explain the reasons for the delay and give a further time limit for their response. The staff member should consider the advisability of asking a third person to be present, and is encouraged to speak with the line manager.

#### **Meeting with the Headteacher or other Senior Staff**

Upon receiving the parent's request for a meeting, the Headteacher will offer an appointment within 5 working days. If the Head teacher subsequently needs to investigate the issue before responding, she/he will inform the parent and state when a response should be available, within 5 working days. If it proves impossible to meet this deadline the Headteacher will contact the parent and explain the reasons for the delay and give a further time limit for their response.

The Headteacher will inform the parent that should she/he remain dissatisfied, she/he have recourse to the governing body and should write to the Chair of governors within 2 weeks.

#### **Referral to Chair of Governors (or Designated Governor)**

Upon receipt of a parent's letter of complaint, the Chair of governors will write to the parent within 3 days acknowledging the letter and stating that the matter will be investigated. The Chair will inform the parent that a full response will be made in writing within 14 days. If it proves impossible to meet this deadline the Chair will write to the parent and explain the reasons for the delay and give a further time limit for the full response.

The Chair will send a copy of the school's complaints procedures and policy to the parent with the initial acknowledgement.



## **FORMAL STAGE**

### **Referral to Panel of Governors**

If the parent is dissatisfied with the full response from the Chair of governors (or designated governor), or if the Chair fails to respond as outlined above, the parent may write to the Chair or Clerk of the governing body within a further 14 days, requesting that a panel of governors be convened to hear the complaint. The letter should be acknowledged within 3 days, and the panel convened to hear the complaint within a further three weeks. The Clerk should liaise with the parent to agree mutually convenient times.

### **Constitution of Panel**

The panel will consist of three governors, none of whom have detailed knowledge of the complaint or are involved personally in any way. There should be no more than one staff member on the panel.

### **Panel Procedure**

The hearing will be minuted by someone other than a panel member. A panel member will be appointed Chair. The parent may be accompanied by someone of their choosing. The format of the hearing should be as follows:

- parent outlines complaint;
- Headteacher and panel are given opportunity to question parent;
- Head teacher outlines school's response to complaint;
- parent and panel are given opportunity to question Head teacher
- each side may ask witnesses to speak as appropriate;
- everyone except panel and clerk withdraw;
- panel considers its findings;
- panel writes to parent, Chair and Headteacher setting out findings, within 2 days;
- draft minutes of meeting are sent to parent, Headteacher, Chair of governors and panel members within 7 days;
- anyone objecting to anything in the Minutes may write their comments to the Clerk within 7 days of receiving them, and their letter will be appended to the Minutes.

As an alternative format, more in keeping with a "committee of inquiry" approach, the panel asks the parent, the Chair and then the Head teacher to attend separately from each other. This avoids the possibility of argument, may help each person to speak completely openly (and may be quicker), but has the disadvantage that each party does not know what the others have said or has had the opportunity to question them. It is up to each governing body to decide which approach to adopt.