

Dane Bank Primary School



Complaints Policy

This Complaints Policy was reviewed and amended by Alicia Todhunter	<i>January 2016</i>
This policy was initially reviewed by Michael Owen, Chair of Governors	<i>January 2016</i>
This Complaints Policy was approved by The Premises, Health & Safety Committee	January 2016
The Complaints Policy will be reviewed annually, or more regularly in the light of any significant new developments The next anticipated review date will be:	January 2017

DANE BANK PRIMARY SCHOOL COMPLAINTS POLICY

Legal context

From September 2003 governing bodies of all maintained schools and nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a clear and well communicated procedure to deal with complaints.

The School Standards and Framework Act 1998 provided an additional function of the governing body to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

Who is allowed to complain?

This policy may be used by any member of the public who has a concern or complaint about any aspect of the school. In the main this will mean the parents and carers of the school's pupils, but may include parents and carers of pupils who are no longer at the school, neighbours of the school, or any other members of the local community. Every effort will be made to resolve all complaints received. Complaints will always be investigated so that the school can ensure that all statutory duties are being met and if not address the issues raised and learn from them.

Please note that staff complaints are dealt with under the Grievance Policy.

Aims and objectives of the policy

This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the school.

Circumstances under which this procedure should not be used-

This guidance does not refer to areas where Tameside Borough Council (TBC), as the Local Authority (LA), has the lead role or for which separate appeal arrangements are provided. These include:

- Pupil admissions
- Pupil exclusions
- Statutory Assessment of Special Educational Needs

Issues related to child protection, criminal investigations and employee grievances must also all be dealt with separately from this policy.

This complaints policy is distinct from staff complaints and formal staff disciplinary proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures.

This policy does not cover complaints made against Tameside Borough Council. Any complaint of this sort should be dealt with in accordance with the Council's '*Corporate Complaints Procedure*'.

This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative procedures (see above).

Circumstances under which stages of the procedure should be missed out

There are 3 stages outlined in the complaints procedure:

Stage 1 Referral to Headteacher

Stage 2 Complaint referred to Chair of Governors

Stage 3 Review by governing body complaints panel

In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally before being escalated to any of the following formal stages.

In some cases, it may be deemed inappropriate for individuals to discuss their concerns informally. In such cases, complainants may be directed to contact the headteacher directly (i.e. begin at stage 1). Complainants may choose to contact the headteacher directly of their own accord. In these cases it will be at the discretion of the headteacher as to whether or not it is appropriate for the complainant to discuss the matter informally before invoking the formal complaints procedure at Stage 1, however it should be made clear to the complainant at which level the headteacher will be dealing with the complaint.

In all cases where the complaint concerns the school's headteacher directly, stage 1 will be missed out and the formal complaints procedure will begin at stage 2.

Should a complaint be made regarding an incident which occurs off school premises out of school hours, as part of the school's duty of care it may report such incidents to the community police. However, appropriate follow up measures would be implemented to ensure future safeguarding of our children.

If and when complaints about the school are brought to the attention of Tameside Borough Council, complainants will be advised to contact the school and to follow the procedures set out in the school's complaints policy.

Monitoring complaints

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

The school may choose to appoint a member of staff as a 'complaints co-ordinator'. When this is the case, this individual will have the responsibility for the operation and management of the school complaints policy and will be responsible for monitoring complaints. Records

should be retained within school for 6 years from the date of resolution and can then be destroyed.

The headteacher will include a summary of the number of complaints received at each stage and anonymous details and their outcomes in their termly report to governors, so that they can monitor the nature and level of complaints, so as to best ensure the effectiveness of the procedure, and consider any underlying issues the school may need to address, including whether specific actions identified as outcomes of complaints have been addressed.

Upholding or not upholding complaints

At each stage of the complaints procedure, the conclusion will be either:

- 1 That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken.

It may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Or

- 2 That the complaint is not upheld and reasons for this are clearly given.

The complainant may either choose to take no further action or will be advised of how to take the complaint to the next relevant stage of the complaints policy.

Publicity and communication

There is a legal requirement for schools to publicise their complaints procedures. This policy will be included on the school's website and available through the school office. Schools may make reference to the complaints policy in other school documentation.

Confidentiality

All conversations and correspondence will be treated confidentially. Personal information will only be shared between staff and governors on a 'need to know' basis. Confidentiality will be maintained within the Governing Body to ensure sufficient governors have no prior knowledge of the complaint to enable a complaints panel to be convened, if required, at stage 3.

Accompaniment

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood. This includes the complainant's right to be accompanied by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

Time between stages

After each stage, the complainant and the individual who is dealing with their complaint at that time should allow 15 school days to decide an appropriate time limit within which the

next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

Changes to time limits and deadlines

In general, the time limits and deadlines contained within this policy should be adhered to by the school. However, in certain circumstances it may be inappropriate or impractical, for example, if an investigation cannot be conducted due to school holidays or illness.

Where a complaint leads to criminal proceedings this will always be the case.

If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant should be told and given an explanation as to why this has been the case.

Frivolous or Vexatious Complaints

Habitual and/or vexatious complainants can be a problem for school staff and governors. The difficulty in handling such complaints can place a strain on time and resources. Whilst the school endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

In exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the school's complaints procedures the Headteacher or the Chair of Governors may deem a complaint frivolous or vexatious. The Headteacher or Chair of Governors will follow the guidelines set out in the Frivolous or Vexatious Complaints Policy.

PROCEDURES FOR HANDLING COMPLAINTS

Informal discussion

Introduction

The vast majority of concerns can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints.

Who to speak to informally

Individuals may decide to raise their concerns with a member of school administrative staff, class teacher, or headteacher, governor depending on their wishes and the type of issues they want to discuss. If the individual feels that the concern should be more appropriately by another person, they should inform the complainant of this and their reasons why.

Monitoring

It is not necessary to record or monitor concerns at this level.

Time scales

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

Response

The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their concerns further, they should be referred to the school's complaints procedure.

STAGE 1: Referral to the Headteacher

Introduction

This is the first stage of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document.

When a complaint is made directly against the school's headteacher, stage 1 is not required and the formal procedure begins at stage 2.

Submitting a formal complaint

If the complaint is not resolved through the informal discussion, the complainant should contact the Headteacher. The complaint should be made in writing by the complainant, or by another person on their behalf, with their consent (by letter or email). The letter should inform the Headteacher it is a complaint (not a concern) and clearly identify the precise issues which they wish to be investigated. The complaint will then be dealt with according to this policy.

Acknowledgement and time scales

The headteacher should formally acknowledge the complaint within 5 school days of receiving it and begin an investigation. The Headteacher, or other member of staff nominated by him/her, should offer to meet with the complainant to discuss his/her concerns within ten working days of receiving the complaint, or as soon as is reasonably practicable.

The investigation

Where necessary the Headteacher, or other nominated member of staff, should carry out a full investigation into the issues raised. If necessary, the Headteacher will take statements from those involved.

Response

The Headteacher will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken. The response will provide details of how to move on to the next stage, if the complainant is not satisfied.

Where the complainant refuses the offer of a meeting this response should be made within ten working days of the receipt of the written complaint.

If for any reason, the Headteacher needs longer than 10 school days to investigate the complaint, the complainant should be kept informed of this and be given an indication when they can expect a response.

STAGE 2: Complaint referred to the Chair of Governors

Introduction

Upon receiving a formally submitted complaint at this stage the Chair of governors or his/her nominee will seek to resolve the issue with the complainant by other means without the need for a complaints committee review at stage 3

When a complaint is made directly against the school's headteacher, stage 1 is not required and the formal procedure begins at stage 2.

Submitting a formal complaint

If the complaint cannot satisfactorily be resolved at the first stage of the procedure, or where the complaint is against the headteacher, the complainant should put their complaint in writing to the Chair of Governors, which may be by letter or email, via the school. The Chair of Governors should offer to discuss his/her concerns within ten working days of receiving the complaint, or as soon as is reasonably practicable after this.

Acknowledgement and time scales

The Chair of Governors should formally acknowledge the complaint within 5 school days of receiving it and begin an investigation.

The investigation

The Chair of Governors or his/her nominee will need to investigate the complaint and review any relevant documentation and information. If necessary, the Chair of Governors or his/her nominee will take statements from those involved.

Response

The Chair of Governors or his/her nominee will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken. The response will provide details of how to move on to the next stage, if the complainant is not satisfied.

If for any reason, the Chair of Governors needs longer than 10 school days to investigate the complaint, the complainant should be kept informed of this and be given an indication when they can expect a response.

STAGE 3: Review by Governing Body Complaints Panel

Introduction

If the complainant remains unsatisfied following an investigation by the Chair of Governors they can ask for their complaint to be referred to a governor complaints panel.

The complaints panel will be clerked by a member of the school staff, the clerk to the governing body or another governor.

The Committee

The panel will generally consist of three governors who have not previously been involved with dealing with the complaint. This may include governors from any partner school where Dane Bank has entered into a formal collaborative agreement.. The panel should elect its own chair.

Acknowledgement and time scales

The Chair of Governors should acknowledge receipt of the complainant's letter within 5 school days. This letter will inform them that their complaint will be heard by a complaints panel within 20 school days.

Governor Complaints Panel Arrangements

The Chair of Governors will contact the clerk and ask them to begin making preparatory arrangements.

The clerk should then formally write to the complainant, the Headteacher and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the hearing;
- How it will be conducted;
- Request for any supporting documentation by either the complainant or the school which must be returned to the Clerk no later than 5 school days before the hearing takes place; this should include any request from supporting witnesses or representatives to attend with either party.
- Of the rights of accompaniment as outlined in this document.

The clerk will ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

Governors Complaints Panel Meeting

The Chair should allow each party involved to explain their understanding or interpretation of events and for the Panel to question them for further clarification. Complainants do not have to attend the Panel meeting if they would prefer not to, and all written evidence will be considered.

Ultimately, the chair of the meeting has control over its proceedings.

After the Panel meeting

The panel will then consider the complaint and all the evidence presented and:

- Reach a majority decision, on the complaint;
- Decide or recommend upon the appropriate action (if any) to be taken;

- Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again.

This information will be included in letters to both the headteacher and the complainant. See Governors Complaints Panel Guidance notes for more detail.

Options for complainant

This is the end of the schools complaints process. If the complainant is not satisfied they can contact the Secretary of State or Ofsted.

Complaining to the Secretary of State

If a complainant believes that the Governing Body has acted unreasonably s/he can complain in writing to the Secretary of State for Education. Complaints to the Secretary of State regarding maintained schools are handled by the Department for Education. In the case of academies the Secretary of State's responsibility to consider complaints is dealt with by the Education Funding Agency. The Secretary of State has the power to consider complaints that the governing body has acted unreasonably in the discharge of any of its statutory duties.

Complaining to Ofsted

The Chief Inspector (Ofsted) has the power to investigate complaints about the school as a whole.. Ofsted will not normally investigate cases to do with individual pupils.

Parents may seek advice from the Department for Education at www.dfe.gov.uk or from the Advisory Centre for Education at www.ace-ed.org.uk or on their helpline which is available on Monday - Thursday 10am -1pm on 0808 800 5793

GOVERNOR COMPLAINTS PANEL GUIDANCE NOTES

1 Terms of Reference

The panel must be convened according to the complaints procedure published by the school as part of their complaints policy. All parties should have received a copy of the procedures.

2 Composition

The panel must consist of three governors previously unconnected with the case. This would usually exclude the Chair of Governors if he/she has had prior involvement. This may include governors from any partner school where Dane Bank has entered into a formal collaborative agreement

The Chair of the panel is agreed by the other members of the panel.

The meeting must be minuted by a nominated clerk who is usually the clerk to the governing body.

The minutes must be an accurate representation of what happens at the meeting. The minutes are confidential.

3 Chair's Introduction

- Welcome and introduce everyone in the room and their role in the proceedings. Those present will be the panel members, the clerk, the headteacher (or the person representing the school), the complainant (both parties are entitled to be accompanied by a friend or relative)
- Witnesses in support of either the school or the complainant should wait outside the room until called.
- Explain the reason for the panel being held – to offer a fresh and fair look at the complaint from stage 2 as defined in the complaints procedures.
- Explain that the panel cannot consider new complaints at this stage.
- Explain the structure of the meeting.
- Explain that the panel will deliberate separately, in private, after the meeting and their conclusions will be sent out to all parties within 5 school days.
- Ensure that everyone has a copy of the papers including a copy of the complaints procedures.
- Check that everyone understands all of the above.

The Chair must ensure that:

- There is a clear written statement of the complaint which is the same as the complaint previously investigated. It may be appropriate to clarify if any aspects of the complaint fall outside the remit of the panel.

- There is a clear statement of the outcomes desired.

4 Structure of the Meeting

- a The complainant will be given the opportunity to explain their complaint.
- b The panel and the Headteacher (or person representing the school) will be allowed to ask the complainant questions.
- c The Headteacher (or person representing the school), will be given the opportunity to present the school's response, interpretation or view about the complaint.
- d The panel and the complainant will be allowed to ask the Headteacher (or person representing the school) questions.
- e At the panel's discretion, witnesses may be called and heard in support of either party's representations, and if so may be questioned by the panel and either party.
- f The complainant will be given the opportunity to make a final statement.
- g The Headteacher (or person representing the school) will be given the opportunity to make a final statement.
- h The Chair will confirm with both parties that they have had the opportunity to put their case.
- i The Chair will thank all for attending and explain that the panel will deliberate separately in private and a letter setting out the panel's conclusions will be sent out within 5 school days.

5 Deliberation and Conclusion

The main points of the complaint must all be addressed.

- For each point, the panel need to explain their findings based on fact where possible.
- The panel need to consider the outcomes requested and agree or disagree giving reasons.
- The panel can make recommendations to either the Headteacher or governing body.
- The concluding letter must be signed by the Chair of the panel.
- It will be sent out promptly and within 5 schools days of the meeting.
- The letter should indicate that this is the final stage of the schools complaints procedure. Where relevant, it should refer the complaint to other available avenues if dissatisfied with the outcome.