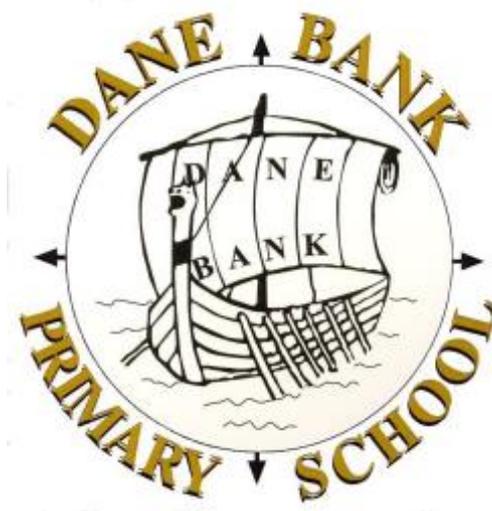


Dane Bank Primary School



Concerns & Complaints Policy

This Concerns & Complaints Policy was reviewed and amended by Alicia Todhunter, Headteacher	<i>March 2017</i>
This policy was initially reviewed by Michael Owen, Chair of Governors	<i>March 2017</i>
This Concerns & Complaints Policy was approved by The Full Governing Body	March 2017
The Concerns & Complaints Policy will be reviewed annually, or more regularly in the light of any significant new developments The next anticipated review date will be:	March 2018

This policy reflects the commitment of the staff and Governors of Dane Bank Primary School to promote equality. We will work to ensure that groups with the protected characteristics of gender, race, disability, age, gender reassignment, religion and belief, pregnancy and maternity, marriage and civil partnership and sexual orientation are free from discrimination and harassment. Our school will endeavour to address any barriers which could lead to unequal outcomes for identified groups.

This school is committed to safeguarding and promoting the wellbeing of all children, and expects our staff and volunteers to share this commitment.

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.

An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

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 and complaints 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 Metropolitan Borough Council (TMBC), 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
- School re-organisation proposals

Issues related to child protection, criminal investigations, employee grievances and complaints about services provided by external bodies using school's premises or facilities must also all be dealt with separately from this policy.

This Concerns & 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 Metropolitan 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).

A 'concern' may be defined as an 'expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may generally be defined as 'an expression of dissatisfaction however made, about actions taken or lack of action'. (DfE Best Practice Advice for School Complaints Procedures 2016)

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 Metropolitan 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).

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. A further link will be provided on the school app. School may make reference to the Concerns & 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 one calendar month within which the next stage should be accessed. 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

Vexatious is defined as the manifestly unjustified, inappropriate or improper use of formal procedure. A complaint may be considered as vexatious where

- All reasonable steps have been taken to address matters
- A clear statement has been provided of the school's position
- The school is being repeatedly contacted with the same points being raised
- The school has reasonable grounds for believing that the intention is to cause inconvenience
- Communications are aggressive in tone or content, abusive, derogatory and/or threatening comments are made.

Frivolous, 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.

The school will follow DfE guidance and seek legal advice if it believes that persistent contact by a complainant constitutes harassment.

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.

Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved at this informal stage.

Who to speak to informally

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, email, telephone or in person by appointment, requested via the school office. Individuals may decide to raise their concerns with a member of school administrative staff, class teacher, Headteacher or 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 dealt with by another person, they should inform the complainant of this and their reasons why.

If you are uncertain about who to contact, please seek advice from the school office.

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.

In the case of serious concerns it may be appropriate to address them directly to the Headteacher.

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.

A Complaint Form is provided to assist you. – APPENDIX 1

You should include details which might assist the investigation, such as potential witnesses, dates and times of events, and copies of any relevant documents.

It is very important that you include a clear statement of the actions that you would like school to take to resolve your concern. Without this, it is much more difficult to proceed.

Acknowledgement and time scales

The Headteacher may invite you to a meeting to clarify your concerns and explore the possibility of an informal resolution. If you accept that invitation, you may wish to be accompanied by a friend or family member to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the Headteacher. If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case, the Headteacher, or other member of staff nominated by him/her, will formally acknowledge the complaint within 10 school days of receiving it and outline how the school intends to proceed. This notification will include an indication of the anticipated timescale.

The investigation

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

Response

Any investigation will begin as soon as possible and when it has been concluded the complainant will be informed in writing of its conclusion.

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 investigation takes longer than anticipated, the complainant will 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,
- you are not satisfied with the manner in which the process has been followed or
- where the complaint is against the Headteacher,

you may request that the Governing Body reviews the process followed by school, in handling the complaint. Any such request must be made to the Chair of Governors in writing within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure,

A Review Request form is provided for your convenience. – APPENDIX 2

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 or as soon as reasonably practicable after this. 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.

Where no further contact is made by the complainant within one calendar month of this response, the complaint will be deemed as closed.

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 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.

Although the review will normally be conducted through a consideration of written submissions, reasonable requests to make oral representations will be considered sympathetically.

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 Concerns & 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 or Professional Association)
- 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.

Dane Bank Primary School Formal Complaint Form

Please complete this form and return it to the school office or to the Head Teacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):

.....

Pupil's name (if relevant to your complaint):

.....

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

School use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

Dane Bank Primary School Complaint Review Request Form

Please complete this form and return it to Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your Address:

Telephone numbers:

Daytime:

Evening:

E-mail address:

Dear Sir

I submitted a formal complaint to the school on and am dissatisfied by the procedure that has been followed.

My complaint was submitted to and I received a response from on

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What actions do you feel might resolve the problem at this stage?

School use

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to:			
Date:			

