



Harwell Community Primary School

Complaints Policy and procedure

Reviewed by Governor working party	2nd November 2018
Ratified by FGB	14th November 2018
Next review due	Academic year 2020/21

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Aims

Harwell school aims to meet its statutory obligations when responding to complaints and governors have adopted the following procedure to deal with formal complaints from members of the school community or general public.

When responding to complaints, we aim to:

- be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school website. These aims are in line with the school values of Respect, Responsibility, Resourcefulness and Resilience, and is in line with the school's promotion of fundamental British Values.

Legislation and guidance

This policy and procedure meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE).

Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

Admissions

Statutory assessments of special educational needs (SEN)

Safeguarding matters (Safeguarding Policy)

Exclusion (Current OCC guidance)*

Whistle-blowing

Staff grievances (Teachers’ pay and conditions policy)

Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

* separate exclusion policy under consideration

Arrangements for handling complaints from parents of children with SEN about the school’s support are within the scope of this policy. Such complaints should first be made to the class teacher or SENCO. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

Principles for investigation

When investigating a complaint, we will try to clarify:

What has happened

Who was involved

What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Stage 1: Informal complaint (Dealing with concerns at the earliest opportunity)

The school takes informal concerns seriously and will make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue. If parents, pupils, the wider school community or members of the public have concerns they should:

1. Discuss their concerns with the relevant member of staff most directly involved as soon as possible, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office. The school will acknowledge informal complaints and investigate and provide a response as soon as practicable.
2. *If not satisfied* then they should discuss their concerns with the assistant headteacher or other senior member of staff

The informal stage will often involve a meeting between the complainant and a senior member of staff, possibly the assistant headteacher or the headteacher as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

At each stage in the procedure, the school will want to keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition, 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/practises in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Should the complaint come from a governor about the work of the governing board then the first stage would be to discuss their concerns with the Chair of the relevant Committee. If they are not satisfied, they should write to the Chair of Governors. Complaints should be directed to the Clerk to Governors.

Stage 2: Formal Complaint - Inform the headteacher in writing

This letter (see appendix 1 for a complaint form) should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The headteacher (or assistant headteacher, or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant as soon as practicable.

If the complainant is not satisfied and wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing.

Informing the chair of governors in writing

Complaints should be directed to the Clerk to Governors via the school office.

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

Within 5 working days of receiving the complaint, the Chair of Governors will decide whether mediation should be offered to help you and the headteacher explore a possible resolution.

Mediation

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and headteacher another opportunity to hear each other's points of view (with a third party facilitating)
- It gives the third party an opportunity to help headteacher and complainant identify and build on areas of agreement
- It gives headteacher and complainant a structure within which they can resolve remaining differences.
- If both complainant and headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a governors' panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part.
- 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.

If mediation is agreed, the chair of governors will endeavour to set up the meeting **within 10 working days**. If that timescale is not possible you will be told the reason.

If mediation is not deemed appropriate or if it is not successful, the Chair of Governors or Clerk will set up a panel of governors to meet **within 15 working days** to consider your complaint. The clerk will provide details of the hearing and will request any further information you may wish to provide.

Stage 3: submit the complaint to the review panel

The review panel consists of members of the governing board. These individuals will have access to the existing record of the complaint's progress (see section on record keeping).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

Five working days before the hearing the clerk will send to you, the complainant, the headteacher and the three panel members, copies of all papers submitted by both sides so that there is sufficient time to read the evidence before the hearing.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

At the meeting:

1. You and the headteacher will be invited into the room where the panel is being held at the same time.
2. After introductions, you, the complainant will be invited to explain your complaint,
3. The headteacher may question you
4. The panel will question you
5. The headteacher will be invited to explain the school's actions
6. You, the complainant may question the headteacher
7. The panel will question the headteacher
8. The panel may ask questions at any point.
9. You, the complainant will then be invited to sum up your complaint.
10. The headteacher will then be invited to sum up the school's actions and response to the complaint.
11. The chair will explain that you and the headteacher will hear from the panel **within five working days.**
12. Both you and the headteacher will leave together while the panel decides on the issues.
13. The clerk will remain with the panel.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The school will inform those involved of the decision in writing within 5 working days.

Complaints against the headteacher, an individual governor or the Full Governing Board

Complaints made against the headteacher should be directed to the chair of governors. This should be sent via the school office. The chair of governors (or other

person appointed by the chair for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 7 working days.

If the complainant is not satisfied and wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing.

Where a complaint is against the chair of governors, any member of the governing board or the Full Governing Board, it should be made in writing to the clerk to the governing board in the first instance.

Taking advice from Oxfordshire Governors Service, the appointed person will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 14 working days if possible.

If the complainant is not satisfied and wishes to proceed to the next stage of the procedure, they should inform the clerk to governors in writing.

Referring a complaint against the headteacher, an individual governor or the Full Governing Board to a review panel

The review panel consists of members of the governing board or in the case of a complaint against the Full Governing Board, the panel will consist of governors from another school appointed with the assistance of Oxfordshire Governor Services. These individuals will have access to the existing record of the complaint's progress (see section on record keeping).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school or governing body, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school or governing board representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of

the findings and recommendations available for inspection by the headteacher and chair of governors.

The school will inform those involved of the decision in writing within 7 working days.

Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

In the event of unreasonable behaviour which is abusive, offensive or threatening, this may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request (SAR) under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and the school's retention & disposal schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint. If the complaint is made by a governor against the FGB then an independent panel will be convened to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

Learning lessons

The chair of governors will review any underlying issues raised by complaints with the headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

Monitoring arrangements

The governing board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board will track the number and nature of complaints, and review underlying issues as stated above.

The complaints records are logged and managed by the school business manager.

This policy will be reviewed by a working party consisting of the headteacher, school business manager and two governors appointed by the full governing board every two years. At each review, the policy will be approved by the full governing board.

Links with other policies

Policies dealing with other forms of complaints include:

Child protection and safeguarding policy and procedures

Admissions policy

Exclusions policy

Staff grievance procedures

Staff disciplinary procedures

SEN policy and information report

Privacy notices

Appendix 1

complaint form

The form can be used by any person making a complaint about the operation of the school which is not covered by an alternative specific procedure. Alternatively, please include Complaints will most often come from parents or carers but may also come from pupils/students or members of the public, e.g. school neighbours.

Anyone receiving this form should be advised verbally that help in completing it is available from the school. A member of school staff who is familiar with the process should be nominated to give help.

If it is appropriate for a member of staff to look into this complaint, it should be returned to the headteacher.

If it is appropriate that it should be dealt with by the governing body, it should be returned to the Clerk to the Governors at the school.

Harwell Community Primary School Complaint form

Please complete and return to the school office who will acknowledge receipt and explain what action will be taken.

Your name:

Address:

.....

.....

Postcode:

Daytime telephone number:

Evening telephone number:

If applicable, name of child(ren) at school:

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?)

Your relationship to the school, e.g. parent, carer, neighbour, member of public:

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 of acknowledgement sent:

By Whom:

Complaint referred to:

Date:

Appendix 2

flow chart of the complaint procedure

complaint made to member of staff → satisfied resolved

↓

not satisfied - written complaint to the headteacher

↓

→ satisfied resolved

not satisfied - written complaint to the chair of governors

→ satisfied resolved

mediation → satisfied resolved

↓

not satisfied - submit complaint to a review panel

↓

→ satisfied resolved

not satisfied - refer to schools complaint unit

complaint about headteacher or governors made to chair of governors

↓

→ satisfied resolved

not satisfied - submit complaint to a review panel

↓

→ satisfied resolved

not satisfied - refer to schools complaint unit

Appendix 3

Sharing your concerns about your child's education A guide to parents

Harwell Primary School recognises that at times things can go wrong. This guidance will help you understand how to resolve concerns you may have about your child's education.

The school has procedures for dealing with concerns or complaints and we value any feedback about our services, including compliments and suggestions.

The school's governing body has overall responsibility for the school and for ensuring the wellbeing of pupils and that all pupils receive an appropriate and high standard of education.

The headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. So you should contact the school if you are concerned about an issue such as:

- your child's academic progress
- special education needs provision
- your child's welfare
- bullying
- something that has happened in school.

How do I complain to the school?

First, we hope you will speak to the relevant member of staff as soon as you have a concern. This will normally be the class teacher.

This informal approach is nearly always the quickest and most effective way of resolving your concerns.

If you feel that your concern has not been resolved, then it is important to speak to a member of the senior leadership team.

If after that, if you feel that your concern has not been resolved then it is important to speak to or write to the headteacher who will look into your concern.

If you are unhappy with the headteacher's response you should write with your complaint to the Chair of Governors/Clerk to the Governing Body at the school address. Mark your envelope 'FOR IMMEDIATE ATTENTION'.

This is how your complaint will be handled

Within 5 working days the chair of governors will clarify the nature of your complaint by asking you to complete a complaint form and will offer help in completing the form, if appropriate

Within 5 working days of receiving the form the Chair will decide whether mediation should be offered to help you and the headteacher explore possible resolution.

If mediation is agreed, the chair of governors will endeavour to set up the meeting **within 10 working days**. If that timescale is not possible you will be told the reason.

If mediation is not deemed appropriate or if it is not successful, the Chair of Governors or Clerk will set up a panel of governors to meet **within 15 working days** to consider your complaint. The clerk will provide details of the hearing and will request any further information you may wish to provide.

You will be able to bring a 'friend' with you to that hearing.

The complaints panel will consist of three governors who (as far as possible) will have no prior knowledge of the events being complained of. The panel will be supported by a clerk who will take notes during the hearing and will stay with the panel while they make their decision in case governors need to be reminded about responses to a particular question. The panel will hear the complaint impartially and make their decision without fear or favour.

Five working days before the hearing the clerk will send to you, the complainant, the headteacher and the three panel members, copies of all papers submitted by both sides so that there is sufficient time to read the evidence before the hearing.

At the hearing,

1. You and the headteacher will be invited into the room where the panel is being held at the same time.
2. After introductions, you, the complainant will be invited to explain your complaint,
3. The headteacher may question you
4. The panel will question you
5. The headteacher will be invited to explain the school's actions
6. You, the complainant may question the headteacher
7. The panel will question the headteacher
8. The panel may ask questions at any point.
9. You, the complainant will then be invited to sum up your complaint.
10. The headteacher will then be invited to sum up the school's actions and response to the complaint.
11. The chair will explain that you and the headteacher will hear from the panel **within five working days**.
12. Both you and the headteacher will leave together while the panel decides on the issues.
13. The clerk will remain with the panel.

Can I take my complaint further?

You **cannot** take your complaint to the local authority. The local authority cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with your complaint.

However, if you feel that the school has acted unreasonably or not followed the correct procedures, you can write to the Secretary of State for Education

<http://www.education.gov.uk/help/contactus/df>