



Policy status

title:	Complaints		
status:	Approved		
owner:	Governing Body		
nominated governor:	Chair		
release date:	12/5/16	Valid until:	September 2018
Head teacher (signature if required):		Date:	
Chair of governing body (signature if required):		Date:	

This policy is based on the DfE's advice contained in " Best Practice Advice for School Complaints Procedures January 2016"

The difference between a concern and a complaint

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 be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. We take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within this procedure.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that the school provides, unless separate statutory procedures apply (such as exclusions or admissions).

Our Approach

At Preshute School we aim to deal with all worries and complaints in a positive and supportive manner. In most cases the class teacher is the first point of contact and we try to deal with all concerns quickly and effectively. If the parent / carer is not happy with the way

the concern has been dealt with, the stages below offer clear guidance as to the action to be taken. The formal procedures (Stage 2 and beyond) will only need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. Complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained about will not be considered except in exceptional circumstances.

Stage 1

Initial Contact with the School

Many concerns can be dealt with informally when they are first made known to the school. In most cases we would expect the class teacher to be the first point of contact. If the parent / carer wishes to meet with the class teacher we ask them to make an appointment to discuss the situation. This ensures that

- We allocate sufficient time to listen carefully to your complaint
- Lessons can start on time and are uninterrupted.

An appointment should be made directly with the class teacher.

If for any reason the teacher is unable to meet with the parent, he / she will either

- arrange an alternative appointment
- ask the head teacher or her representative to informally meet with the parent / carer

If the class teacher is the subject of the concern then an appointment should be made to discuss this informally with the Head Teacher. Please contact the school administrator to make this appointment.

If the Head Teacher is the subject of the concern then an appointment should be made to discuss this informally with the chair of governors.

Where the first approach is made to a governor (by a parent /carer), the correct action would be to refer the complainant to the appropriate staff member and advise the parent /carer about the procedure and where they can get a copy of the procedure. It is important that governors do not act unilaterally on an individual complaint, outside the formal procedure, or be involved in the early stages in case they are needed to sit on a panel at a later stage of the procedure.

It is in everyone's interest that complaints are resolved at the earliest possible stage and it is definitely preferable for concerns to be handled without the need for formal procedures. We believe in honest and genuine relationships within our school; such values extend to all relationships with children, parents and members of our wider school community.

We do appreciate that there may be times when satisfaction is not achieved in stage 1 and the concern becomes a formal complaint. We will treat all complaints with respect and good manners.

Stage 2

Formal Consideration of a Complaint

In order to formalise a complaint this must be done in writing within five working days of the initial meeting in Stage 1. The letter should be addressed to the Head Teacher or Chair of Governors, if the complaint is about the Head Teacher, and will be acknowledged in writing

within 2 working days of receipt. Please accompany the letter with the form found in Appendix B. The recipient of the letter must record the date of receipt.

As part of the school's consideration of the complaint, the complainant may be invited to a meeting to discuss the complaint and any further details. The complainant may, if they wish, ask someone to accompany them, to help them explain the reasons for the complaint.

The head teacher or chair of governors will carry out a full investigation of all matters relating to the complaint. He / she, where necessary will talk to witnesses and take statements from others involved.

If the complaint centres on a pupil the school will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question. The school will normally talk to a pupil with a parent or carer present.

If the complaint is against a member of staff, it will be dealt with under the school's internal, confidential procedures.

The head teacher or chair of governors will keep written / typed, signed and dated records of all meetings and telephone conversations, and other related documents.

Once the school has established all the relevant facts, a written response to the complaint will be sent. This will be no later than 10 working days after the date of receipt of the letter. This may be to the effect that

- There is insufficient evidence to reach a conclusion so the complaint cannot be upheld
- The complaint is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the school will be taking but confidential details of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are now being followed which are strictly confidential (e.g. where staff disciplinary procedures are being followed)

Stage 3

Consideration by the Governing Body

If the concern has already been through Stage 1 and 2 and still has not been resolved, the next step is to make a formal complaint to the Governing Body.

A letter should be written to the school's chair of governors (no later than five working days after receipt of the written response at the end of Stage 2) enclosing a copy of the written complaint originally submitted, indicating which matters remain unresolved. No new complaint may be included. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants.

Letters should be sent to:

Chair of Governors
% Preshute School
High Street
Manton

Marlborough
Wilts SN8 4HH

The chair of governors will convene a complaint review panel (known hereafter as the Hearings Committee) if she / he feels it would be helpful in resolving the complaint. That panel may include independent members, at the discretion of the Governing Body The complainant and the Head Teacher or the Chair of Governors will be informed in writing of the outcome.

For more details concerning the Hearings Committee, please see Appendix A.

Complaints not in scope of the procedure

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised direct with local authorities (LA).</p> <p>For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>

<ul style="list-style-type: none">• Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none">• Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

Serial and persistent complainants

The school will try to be helpful to people who contact us with a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the school will regard the complainant as a serial and persistent complainant and the Governors will follow the vexatious complaints policy.

The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

Please be aware that the SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

The Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline 0370 000 2288 or going online at: www.education.gov.uk/help/contactus

Appendix – Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- **co-operates with the school in seeking a solution to the complaint;**
- **expresses the complaint in full as early as possible;**
- **responds promptly to requests for information or meetings or in agreeing the details of the complaint;**
- **asks for assistance as needed;**
- **treats all those involved in the complaint with respect.**

The Complaints Co-ordinator (or headteacher)

The complaints co-ordinator should:-

- **ensure that the complainant is fully updated at each stage of the procedure;**
- **ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;**
- **liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;**
- **keep records;**
- **be aware of issues regarding:-**
 - **sharing third party information;**
 - **additional support - this may be needed by complainants when making a complaint including interpretation support.**

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- **providing a comprehensive, open, transparent and fair consideration of the complaint through:-**
 - **sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;**
 - **consideration of records and other relevant information;**
 - **interviewing staff and children/young people and other people relevant to the complaint;**
 - **analysing information;**

- **effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;**
- **identifying solutions and recommending courses of action to resolve problems;**
- **being mindful of the timescales to respond; and**
- **responding to the complainant in plain and clear language.**

The person investigating the complaint should make sure that they:

- **conduct interviews with an open mind and be prepared to persist in the questioning;**
- **keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.**

The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- **set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;**
- **collate any written material and send it to the parties in advance of the hearing;**
- **meet and welcome the parties as they arrive at the hearing;**
- **record the proceedings;**
- **circulate the minutes of the panel hearing;**
- **notify all parties of the panel's decision;**
- **liaise with the complaints co-ordinator.**

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- **the meeting is minuted;**
- **the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;**
- **the issues are addressed;**
- **key findings of fact are made;**
- **parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;**
- **the hearing is conducted in an informal manner with everyone treated with respect and courtesy;**

- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- **The welfare of the child/young person is paramount.**

Appendix B

Formal Complaint Form

Please use this form to accompany your letter when instigating a formal complaint as in Stage 2.

Your name:
Pupil's name:
Your relationship to the pupil:
Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint (including dates, names of witnesses etc) to allow the matter to be fully investigated . Use a separate sheet if necessary.
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)? Use a separate sheet if necessary.

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 received:

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

