



Bexton Primary School

Together we can make a difference

Complaints Policy

Name of school: Bexton Primary School

Date of review: Autumn 2018

New review date: Autumn 2021

Introduction

We believe that Bexton Primary School provides a quality education for all our children, and that the Headteacher, staff and governors work hard to build positive relationships with all parents and carers. However, the school is required by law to have procedures in place in case there are complaints. The following policy sets out the procedure that the school follows in such cases.

Aims

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and in all cases, we put the interests of the child above all other issues. The school will aim to keep complainants informed during the investigation of the complaint.

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. At each stage complainants should be asked to state what actions they feel might resolve the issue. An admission that the school could have handled the situation better is not the same as an admission of negligence.

The ability to consider the complaint objectively and impartially is crucial. The school will respect the views of a complainant who indicates that he/she would have difficulty in discussing a complaint with a particular member of staff. In these cases the staff member can refer the complainant straight to the Headteacher or other member of the Senior Leadership Team.

Where the first approach is made to a governor, the governor will refer the complainant to the appropriate member of staff and advise them of this complaints procedure. It is essential that governors do not act unilaterally on an individual complaint outside of this procedure, or be involved at the early stages in case they are needed to sit on a panel at a later stage. **Complaints would not be heard by the full Governing Body at any stage**, as this could compromise the impartiality of any panel set up for a disciplinary hearing (or appeal) against a member of staff.

Legislation and guidance

This document 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).

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

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
- Exclusion

- Whistle-blowing
- Staff grievances
- Staff discipline

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

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, where relevant the SENCO; they will then be referred to this complaints policy.

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

The Complaints Process

- (1) Initially complaints should be made verbally or in writing to the member of staff concerned who should inform the Headteacher even if the matter is resolved immediately. This is usually the class teacher, who will speak to the complainant and try to resolve the situation. Unless there are exceptional circumstances, every effort will be made by the school to have a full discussion with the complainant before moving into the stages of this procedure.
- (2) Where the complaint is not resolved to the satisfaction of the complainant, they should be advised to put their complaint in writing to the Headteacher, either by letter or email.

First Stage (Informal Stage)

Following receipt of a letter or email of complaint from the complainant, or their representative, the Headteacher should reply in writing within five working days. The Headteacher should then offer to meet with the complainant to discuss his / her concerns within ten school days of receiving the complaint, or as soon as is reasonably practicable. Where necessary, the Headteacher (or another person on their behalf) will carry out a full investigation into the issues raised. The Headteacher will give a full written response to the complainant as soon as possible, but in any case, within ten working days of the meeting. 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. Where the complainant is dissatisfied with this response, the complaint should move to the next formal stage of the procedure.

Where the complaint is against the Headteacher, the Chair of Governors, another governor or the Governing Body as a whole, the complaint will move straight to the second stage of the procedure.

Second Stage (Formal Stage)

If the complaint cannot be satisfactorily resolved at the first stage of the procedure, or where the complaint is against the Headteacher, the Chair of Governors, another governor or the Governing Body as a whole, the complainant will be asked to formally put their complaint in writing to the Chair of the Governing Body (or Vice Chair or nominated governor where the complaint is against the Headteacher or Chair of Governors), which may be by letter or email, via the school.

The Chair/ Vice Chair/ nominated governor should offer to meet the complainant to discuss his/ her concerns within ten working days of receiving the complaint, or as soon as is reasonably practicable after this. The Chair/ Vice Chair/ nominated governor will review the investigation and Headteachers decision and may confirm the decision or reach a different decision. The Governor may choose to reinvestigate the complaint in whole or in part.

The governor may take advice initially from the Governance and Liaison Service, which may consult other LA officers.

The Chair/ Vice Chair/ nominated governor will communicate his/ her response in writing (normally through the Clerk to the Governing Body) to the complainant as soon as possible but, in any case, within ten school days of the initial meeting with Chair/ Vice Chair/ nominated governor. Where the complainant is dissatisfied with this response the complaint should move to the appeal stage of the procedure, but the complainant should indicate his/ her intention to do so within ten working days of receipt of the outcome of the formal stage.

Third Stage (Appeal Stage)

If the complainant wishes to appeal against the decision made at stage 2 s/he must indicate his/her intention to do so within ten working days of receipt of the outcome of the formal stage.

The complainant should do this by sending a written appeal to the Chair of Governors, either by letter or email, or, where the complaint is against the Chair, to the nominated governor. This should state the original complaint and the reasons for on-going dissatisfaction. The Chair of Governors, or nominated governor, may decline to accept a complaint into the Appeal Stage where s/he, acting reasonably, believes that the complaint has been upheld in full at the Formal Stage and in all the circumstances there is no merit in the matter proceeding further.

A governors' panel should be convened, consisting of three governors who have had no previous involvement in consideration of the complaint. Where the complainant is a parent, governors may wish to consider the possible advantages of this panel including a parent governor. A complaints appeal meeting will be held in accordance with the procedure attached as Appendix A.

The meeting of the governors' panel should take place as soon as possible, but in any case a date should be set and communicated to the complainant within twenty working days of receipt of the appeal. The governors' decision should be communicated in writing to the complainant as soon as possible but, in any case, within five working days of the meeting. The complainant will have no further right to appeal this decision within the school.

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>

The Role of the Parent Partnership Service

The Parent Partnership Service helps parents/carers whose children have difficulties with learning, medical needs or mental health problems, from pre-school age to school leavers. The service is confidential and offers impartial advice and information to enable parents and carers to make decisions about their child's education. This includes supporting parents with complaints to schools or the Local Authority.

The service can help parents consider what their complaint is about and the options available to them to resolve it, including more informal measures that can be explored in the first instance. If a parent wishes, the service can explain how to put a letter/case together to take the matter forward. Someone from the service can attend meetings with the parent to offer support but doesn't speak on behalf of or make decisions for the parent. The service also offers support after meetings have taken place to consider the conclusions of the meeting and if the parent feels a satisfactory outcome was achieved. If not the parent may have further options to consider.

Contact details for the service are 01829 742997 Parentpartnership@cheshire.gov.uk

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

Unreasonable behaviour which is abusive, offensive or threatening 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 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.

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.

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 governing body 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.

The governors will monitor the complaints procedure annually in order to ensure that all complaints are handled properly. The Headteacher will log all complaints received by the school, including the nature of the complaints and how they were resolved. The Headteacher will report an overview of complaints received, including the above information, in the previous term in her Headteacher's report.

Relevant Policies

This policy should be read in conjunction with the following:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

This policy was agreed at a meeting of the Full Governing Body on

Signed (Chair of Governors)

Signed (Head Teacher)