

Hurst Knoll St James' CE Primary School

Inspiring Faith and Learning for Life



Complaints Procedure

Introduction

From 1 September 2003 all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides.

In January 2016 the Department for Education (DfE) published a non-statutory guidance document entitled Best Practice Advice for School Complaints Procedures 2016.

At Hurst Knoll St James, we fully believe in our Christian values of Trust, Justice, Forgiveness and Hope and we ensure these are adhered to throughout any concern or informal/formal complaint regarding or made against the school or members of staff.

Scope of this Complaints Procedure

This procedure covers all **informal** complaints/concerns and **formal** complaints other than those set out below. In general, any matter raised more than 3 months after the event, being complained of, will not be considered. It is for use by parents or carers of pupils at the school or those who recently attended the school. Consideration can be given to complaints made by parents or carers of pupils who no longer attend the school, provided the complaint is received within three months of the child ceasing attendance at the school.

The DfE's advice identifies areas lying outside the scope of the school procedures.

Exceptions	Whom to contact
<ul style="list-style-type: none"> • Admissions to school • Statutory assessments of Special Educational Needs • School re-organisation proposals • Matters likely to require a Child Protection investigation 	Local authority.
<ul style="list-style-type: none"> • Exclusion from school 	Parents and carers may use procedures to challenge permanent exclusions and fixed term exclusions of more than 5 days in a given term. Concerns about the process followed can be raised via the complaints procedure.
<ul style="list-style-type: none"> • Whistleblowing 	Schools should have an internal procedure for employees and volunteers. Ofsted may be contacted by email (whistleblowing@ofsted.gov.uk) telephone (03001233155) or in writing (WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD).
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	Schools must have staff grievances, discipline and conduct procedures in place. Complainants are not informed of the outcomes of actions under this procedure.
<ul style="list-style-type: none"> • Complaints about services provided by external bodies using a school's premises or facilities. 	Providers should be contacted directly and have their own procedures for such eventualities

Principles when dealing with complaints

The complaints procedure is based on the following principles:

- Confidentiality should be respected
- Give and expect both courtesy and consideration
- Communication is the key to solving disputes and disagreements
- Concerns and complaints will be dealt with fairly and as speedily as possible
- Complainants will be kept informed at every stage, whether it is an informal or formal complaint.
- Notes of meetings held and of telephone conversations should be attached to the record
- All stages of the process should be documented in a single file held centrally by the person designated as the complaints co-ordinator
- All such records are subject to the Freedom of Information and Data Protection Acts. Contents should therefore be factual and objective

NB

- If a concern is brought to a governor in the first instance, governors should respond by advising the person to follow the procedure set out in the schools complaints policy. The Chair should be advised that this procedure has been followed without providing details of the substance of the potential complaint. This ensures that the governor concerned does not pay any part in any subsequent investigation. It is essential to prevent governors becoming aware of the details of the complaint. Otherwise they may become 'compromised' and this would cause difficulties at later stages of the complaints procedure
- Should a concern be shared with the entire governing body, arrangements should be made to convene an independent panel via the local authority or diocese.

Anonymous Complaints

It will be left to the Headteacher's discretion to decide whether the gravity of an anonymous complaint warrants its investigation.

Responsible Person or Complaints Co-ordinator

The Headteacher is the designated person to receive record and monitor **formal** complaints.

Informal Concerns/Complaints – Stage One

The majority of parental concerns/complaints can be resolved informally and speedily by simple clarification or the provision of information. If you have a concern about what the school has done, or not done:

- raise the concern with the member of staff concerned or if a serious concern, the Headteacher as soon as possible. This may be by letter (**appendix 1 – meeting request form**), by telephone, or in person by appointment requested via the school office
- explain the 'what' and the 'why' of your concern

It may be that the member of staff/Headteacher is unaware of the problem or there might have been a misunderstanding.

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

If you are dissatisfied with the outcome and feel the matter cannot be resolved in an informal way, or if you feel so deeply about your concern that you wish to take the matter further, you have the opportunity to make a formal complaint.

Formal Complaints to the Headteacher – Stage Two

Formal complaints must be in writing, either in a letter, email or on the form attached to this document (***appendix 2 – school formal complaint form***) It should be made clear that it is a formal complaint.

You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed.

Formal complaints (if in the form of the complaints form) should be in a sealed envelope and addressed to the Headteacher. If the complaint is about the Headteacher it should be passed to the Clerk to the governing body, for the attention of the Chair of Governors.

The Headteacher (or Chair) will record the date the complaint is received and will acknowledge in writing (or by email) receipt of the complaint within 5 school days.

They may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, 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 (or Chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure.

The Headteacher (or Chair) will investigate the complaint as soon as possible and respond in writing to the complainant within 10 school days of the date of receipt of the complaint.

At this stage the outcome of the investigation by the Headteacher (or Chair) is final.

Note: at any time during the course of the investigation the complainant can withdraw the complaint or ask for it to become an informal complain/concern. This must be done in writing by the complainant and will be acknowledged in writing by the Headteacher (or Chair).

Formal Complaints to the Governing Body – Stage Three

If you are dissatisfied with the outcome of the Headteacher's investigation (Stage Two) and the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school, in handling the complaint.

Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. ***Appendix 3 (school complaint review request form)***.

Review Process

Any review of the process followed by the school will be conducted by a panel of three members of the governing body. This will usually take place within 10 school days of receipt of your request.

This meeting will be clerked.

The governors' complaints panel will take the following points into account, bearing in mind that each party will be given the opportunity to state their case and ask questions, and written material will be seen by all parties.

- the hearing will be as informal as possible.
- witnesses are only required to attend for the part of the hearing in which they give their evidence.
- after introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- the Headteacher may question both the complainant and the witnesses after each has spoken.
- the Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- the complainant may question both the Headteacher and the witnesses after each has spoken.
- the panel may ask questions at any point.
- the complainant is then invited to sum up their complaint.
- the Headteacher is then invited to sum up the school's actions and response to the complaint.
- both parties leave together while the panel decides on the issues.
- the Chair explains that both parties will be written to within 5 school days of the hearing, setting out the panel's decision(s).

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The decision of the panel is final and the matter closed. The schools' complaints procedure at this stage will have been exhausted.

Note: the complainant may ask for his/her complaint to be withdrawn at any stage and this will be acknowledged in writing by the Chair of Governors or Chair of the complaints panel, whichever is appropriate.

Complaints received outside of term time

Complaints delivered to the school outside of term time will be deemed to have been received on the first day the school returns from its break.

If you are dissatisfied with the outcome then you can refer the matter to the Secretary of State. The Secretary of State's powers are delegated to the School Complaints Unit (SCU). The SCU will only consider cases in which the governing body has acted unlawfully or unreasonably. It will overturn a decision in extreme circumstances. If it decides that a school has not followed its published procedures it has the power to direct that the process is re-visited.

Telephone: 0370 000 2288

Online: www.education.gov.uk/help/contactus

Letter: DfE, School Complaints Unit, 2nd Floor, Piccadilly Gate, Store Street, Manchester M1 2WD

Revised and adopted by the Governing Body Spring 2016

Appendix 1

Meeting Request Form

I wish to meet [*name of teacher*] to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:

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

Pupil's name (if relevant to the matter to be discussed)

Your Address:

Telephone numbers

Daytime:

Evening:

e-mail address:

Signed **Date**

[Please complete this form and return it to the school office]

School use:

Date Form received:

Received by:

Date response sent:

Response sent by:

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:

Appendix 3

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?

Signature:

Date:

School use

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to:

Date: