

Wentworth Primary School



COMPLAINTS POLICY

Agreed by the Governing Body: 29.03.2017

Review Date: March 2019

Introduction

Occasionally parents or carers may be concerned about an aspect of their child's education or welfare at school. This could include issues regarding the school's approach to aspects of the curriculum, homework, behavioural problems or any other issue.

The school welcomes enquiries from parents about any matter. Teachers and staff will explain the school practices and policies and how they affect the pupils. The vast majority of concerns will be handled by the class teacher or by the subject co-ordinator if this is more appropriate.

In the first instance, you should speak with the child's class teacher or contact the school office to arrange an appointment to discuss your concern. At all times staff will help to resolve any problems but if you feel that you want to state your concern more formally the following policy will apply.

The school's policy follows the Local Authority (Essex County Council) and Department for Education guidelines when handling concerns and complaints. Whilst it would be unusual to deviate from these procedures the school retains the right to do so.

Our procedures for dealing with general concerns

The majority of concerns from parents, carers and others are handled under the following general procedures.

The procedure is divided into three stages:

Stage 1 aims to resolve the concern through informal contact at the appropriate level in school (as described in this guidance).

Stage 2 is the first formal stage at which written complaints are considered by the headteacher (or a designated governor, if the complaint is about the headteacher), who has responsibility for dealing with complaints.

Stage 3 follows the completion of Stage 2. It involves a review of the complaint by the Chair of governors, who may convene a complaints review panel of governors.

How each of these stages operates is explained below:

Stage 1 – Your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's class teacher.
2. We will meet you, contact you by telephone or in writing, as soon as possible after your concern is made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. She or he will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. We will ensure that you are advised what action or monitoring of the situation, if any, has been agreed. We will confirm this in writing to you.
4. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.
5. We will discuss with you (normally within ten working days) the progress of our enquiries. If we cannot reply to your concern within 10 working days we will tell you and keep you updated on when you can expect a reply. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and it will be dealt with at the next stage.

Stage 2 - Formal consideration of your complaint

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.

1. Normally, your written complaint should be addressed to the headteacher. If, however, your complaint concerns the headteacher personally, it should be sent to the school marked "For the attention of the Chair of Governors".
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will usually be within three working days.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would endeavour to respond in full within ten working days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and provide further details if required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The headteacher, or chair of governors may also be accompanied by a suitable person if they wish.
7. Following the meeting, the headteacher or chair of governors will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
8. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
10. The headteacher or chair of governors will keep written/taped, signed and dated records of all meetings and telephone conversations, and other related documentation.
11. Once we have established all the relevant facts, we will send a written response to your complaint. This will give a full explanation of the headteacher's or chair of governors' decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do and where appropriate provide timescales. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. If you are not satisfied with the outcome of the Stage 2 investigation and the schools findings, you may wish to proceed to Stage 3, as described below.

Stage 3 - Consideration by a complaints review panel

If your concern has already been through Stages 1 and 2 and you are not happy with the outcome, the Chair of Governors will review the complaint and undertake an investigation. They may instruct the Clerk to set up a complaints review panel to consider it. This is a formal process, and your ultimate recourse at school level.

The purpose of this arrangement is to give your complaint a hearing in front of a panel of governors who have no prior knowledge of the details of the complaint and who can, therefore, consider it afresh.

The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent and to reassure you that we have taken your complaint seriously.

The complaints review panel operates according to the following formal procedures:

1. The clerk to the governing body will aim to arrange for the panel meeting to take place within 20 working days.
2. The clerk will ask you whether you wish to provide any further written documentation in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.

3. The headteacher will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
4. The clerk will write to you, the headteacher, any relevant witnesses and members of the panel by letter, at least five working days in advance, of the date, time and place of the meeting.
5. With the letter notifying of the date of the meeting, the clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit further written evidence to the panel. The evidence must be submitted no later than 1 working day before the meeting.
6. The letter will also explain what will happen at the panel meeting and that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. With the agreement of the chair of the panel, the headteacher may invite members of staff directly involved in matters raised by you to attend the meeting,
8. The formal nature of the meeting can be intimidating for you and the panel will do their best to put you at your ease.
9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has an opportunity to consider and respond to the new evidence. A new meeting date will be set and a letter sent to you advising of the new date and time
10. The meeting will be minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy as the minutes may contain sensitive information and are confidential.
11. The written outcome of the panel meeting, will be sent to you. If after receiving the outcome, you feel that you would like to have a copy of the minutes these can be requested from the panel. If the panel agrees to provide a copy of the minutes they may be edited to ensure confidentiality is maintained.
12. During the meeting, you can expect there to be opportunities for:
 - you to explain your complaint;
 - you to hear the school's response from the headteacher;
 - you to question the headteacher about the complaint;
 - you to be questioned by the headteacher about the complaint;
 - the panel members to be able to question you and the headteacher;
 - any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
 - you and the headteacher to make a final statement.
13. Once the meeting has concluded the panel will consider its decision. All participants other than the panel and the clerk will then leave the meeting room to allow the panel to consider the matter in private.
14. The panel will then consider the complaint and all the evidence presented in order to:
 - make a decision on the complaint (this may be unanimous or a majority decision);
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend, where appropriate, to the governing body changes to the school's systems or procedures.
15. The clerk will send you and the headteacher a written decision of the panel within two weeks. The letter will also explain what further recourse, beyond the governing body, is available to you.
16. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

Closure of complaints

Very occasionally, a school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint.

Other sources of information and advice

If your concern is about an aspect of special needs provision, which might include information about relevant voluntary organisations and support groups in Essex, you might like to talk to our Parent Partnership team on their helpline: 01245 436036.

The Department of Education has also published guidance, 'Best practice Advice for School Complaints Procedures 2016', which the school adheres to.

For more information go to <https://www.gov.uk/complain-about-school/state-schools>

The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, you 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.

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, it 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.

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

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD

Appendix 1 Complaints not in scope of the procedure

The complaints procedure covers all complaints about any provision of facilities or services that the school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievances and disciplinary procedures
- Complaints about services provided by other providers who may use school premises or facilities.

Who to contact

Concerns should be raised direct with local authorities (LA). For school admissions, the admissions authority is the Local Authority. Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.

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: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.