

Rhodes Avenue Primary School

Complaints Procedure

Autumn 2019



**RHODES AVENUE
PRIMARY SCHOOL**

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Introduction

It is in everyone's best interests that complaints are resolved at the earliest opportunity. Any member of staff, or of the governing body, may be approached with a concern or complaint from a member of the school's community. It is important that attempts are made to resolve issues efficiently through discussion with the complainant and staff, preferably without invoking the formal procedures.

This procedure is based on the model published by the Department of Education and is designed to provide a clear, transparent method of resolving, at the earliest possible stage, any dispute that might occur.

There is a flow-chart summarising the procedure at the end of this Policy.

Who is this policy for?

This policy is for parents of the school and members of the school community.

Alternative statutory procedures

This Complaints Policy does not cover every type of complaint which a member of the school community may wish to make. For example, where a complaint relates to the following matters, it will not be covered by the Policy, and will be covered by other statutory or Local Authority procedures instead:

- complaints against the curriculum;
- admissions and transfer arrangements and appeals;
- appeals against statements of special educational needs/EHC plans;
- appeals about exclusions;
- complaints about public examinations;
- staff grievance or disciplinary procedures;
- whistleblowing;
- complaints about collective worship.

Where a complaint is not covered by the Complaints Procedure the School will inform the complainant as soon as possible and will do its best to direct the complainant to the relevant procedures for their complaint.

Procedure for policy monitoring and dissemination

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.

This policy statement will be reviewed bi-annually (every 2 years). It will be given to all members of staff and governors. Copies are available on the

school website and upon request from the school office. A short summary is also included in the school prospectus.

Persons responsible: Headteacher
 Deputy Head Teacher
 Communications Committee of the Governing Body

Informal stage

Ideally, all disputes would be resolved without the need for formal proceedings. Members of the school community with concerns should therefore start by raising those concerns informally, according to the following procedure.

- 1.1 Concerns can be expressed verbally, in writing or over the telephone.
- 1.2 Concerns should be expressed to the appropriate person, as set out below.
- 1.3 Any person to whom a concern is expressed should record the details of the issue, a summary of their discussion, the outcome requested by the person expressing the concern, and any action taken. This will provide a record and speed the process up should the process continue to the next stage (see Appendix A: sample complaint record form).
- 1.4 In instances where a governor is approached with a concern, action should not be taken unilaterally and care must be taken not to involve other governors as they may be needed to sit on a panel at a later stage. The governor should refer the person expressing the concern to other staff members in accordance with this policy.
- 1.5 If the concern relates to a possible child protection issue, the person expressing the concern should be directed to the Designated Safeguarding Lead or the Headteacher and the separate child protection procedures should be followed.
- 1.6 Where the concern relates to issues outside the classroom, such as school meals and lunchtime supervision, or general issues affecting the school, such as heating, the person expressing the concern should be directed to the School Office in the first instance.
- 1.7 Where the concern is about teaching, pupil behaviour or other issues in the classroom the person expressing the concern should be directed to the class teacher who will try to resolve the issues. The class teacher should discuss their desired outcome. This often helps to defuse anger and frustration and will ensure the complaints system is more effective for both parties, who can then work together towards achieving the desired outcome.
- 1.8 Where the concern is about the provision offered for a child with SEND by the school, the person expressing the concern should be directed to the Inclusion Manager, Emily Gazzard (see SEND policy Point 15).
- 1.9 If the complaint is about a class teacher, the concern may be raised

either with the teacher concerned, or, if preferred, directly with the Headteacher. The Headteacher will attempt to resolve the problem informally but, depending on the nature of the complaint, will consider using the formal stages instead.

- 1.10 Where an issue cannot be resolved easily, the person to whom the concern is expressed should record the details of the issue (see Appendix A: sample complaint record form) and pass it to the Headteacher. Following discussion with the complainant, the Headteacher will decide whether to try to resolve the matter informally, or start formal procedures.
- 1.11 If the concern is about the Headteacher, the complainant must be directed to the Chair of the Governing Body and the complaint will be investigated at stage 2 of the formal stages.
- 1.12 If the complaint is:
- Jointly about the Chair and Vice Chair or
 - the entire Governing Body or
 - the majority of the Governing body.

Stage 2 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

- 1.13 Translation and interpreting services will be provided where necessary.

Formal stages

General principles

There are three formal stages. Each is set out below. These general principles apply only to the School-based stages, i.e. stages 1 and 2. The Department for Education (stage 3) will have its own procedures to which complainants should refer.

- 2.1 *Making a complaint.* A complaint may be made in person, by telephone, or in writing, to the person specified for each stage. Where a complaint is made otherwise than in writing, and depending on the nature of the complaint, the person considering the complaint may request the person making it to put it in writing. Where that person would have difficulty doing so, they may discuss their complaint with the person considering it, who will write it down.
- 2.2 *Language.* Translation and interpreting services will be provided when required.
- 2.3 *Time limit for making a complaint.* Complaints need to be considered

and resolved as quickly and efficiently as possible. Complaints should be lodged as soon as possible and no later than three months after the incident or issue complained of has occurred. Where the complainant can demonstrate that there were good reasons why a complaint was not lodged within this period, however, the time limit may exceptionally be waived.

2.4 *Written notes.* Complaints, investigations and outcomes will be recorded in writing. the investigation of complaints and outcomes of investigations will be recorded. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

2.5 *Procedure.* In order to ensure that complaints are treated transparently, fair and consistently, any person investigating a complaint will ensure that they:

- are **non-adversarial**;
- investigate the matter **fairly, fully** and with an **open mind**;
- establish **what** has happened, and **who** has been involved;
- clarify the **nature** of the complaint and what remains unresolved;
- address the **issues** properly, making sure that where there is more than one, each is identified and properly dealt with;
- make any necessary findings of **fact**;
- clarify what the complainant feels would **put things right**;
- where necessary, **meet with, or speak to** the complainant, or others involved, to obtain further information or clarification (allowing those involved to be accompanied if they wish);
- respect, where possible, the desires of those involved for **confidentiality**;
- provide an **effective, timely** response;
- provide appropriate **redress**, where redress is required.

2.6 *Timescales for resolution.* Each stage of the formal stages will normally follow the timescales below. Where a case is complex, however, or where the circumstances otherwise require it, the person responsible for that stage may extend the time. In the event of this happening, he or she will write to the complainant explaining that there is to be an extension; giving the length of that extension; and explaining why it is necessary.

2.7 *Remedies.* Where a complaint is upheld, in whole or in part, the person considering the complaint may 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 in the light of the complaint.

Whether or not any remedy is offered, and if so, which one(s), will depend on the circumstances of the individual complaint.

2.8 *Moving to the next stage.* An unsatisfied complainant is entitled, following the completion of any stage, to request that the complaint be taken to the next stage of the procedure.

2.9 *Vexatious complaints and behaviour:*

- The School will listen to, consider, and respond to complaints fairly, respectfully and courteously. The School expects that complainants will, likewise, make their complaints, and pursue them, in a reasonable, respectful and courteous manner.
- If, having exhausted all of the formal stages, the complainant still seeks to raise and reopen the same issue(s), or substantially the same issue(s), the Chair of the Governing Body will write to the complainant informing that the School considers that the procedure has been exhausted, and the matter is now closed. Should the complainant then seek to raise the same issue(s), or substantially the same issue(s), the School will be entitled to treat the correspondence on this issue as vexatious, and to refuse to respond further to it.
- If a complainant otherwise behaves unreasonably in making complaints to the School, the School will be entitled to refuse to consider those complaints further, or to refuse to consider further complaints from that complainant, unless the complainant undertakes to make and pursue those complaints reasonably, in accordance with the Complaints' Policy. The complainant will be informed, in writing, that the School is considering taking this step, and will be given an opportunity to comment before a decision is reached. Any such decision will be communicated in writing. Unreasonable behaviour may include (but is not limited to): prolific correspondence or excessive email or telephone contact about a concern or complaint; an insistence on achieving unrealistic or unreasonable outcomes; an unreasonable refusal to deal with the staff specified at each stage in the Complaints' Policy.

Stage 1: Investigation by the Headteacher

If the member of staff has been unable to resolve the concern informally, or the nature of the complaint justified formal consideration, stage 1 of the School's formal stages of the complaints procedure should be invoked.

3.1 By this stage the complaint should be properly recorded (see Appendix A: sample complaint record form).

- 3.2 The Headteacher will acknowledge receipt of the complaint in writing within 3 school term days. This acknowledgement should attach the school's complaints procedure and outline the target date by which it is aimed to provide a written response.
- 3.3 The written response should normally be sent to the complainant within 15 school term days of the complaint being received at stage 1.
- 3.4 The Headteacher will copy the details of the complaint to any member of staff named in the complaint.
- 3.5 The Headteacher will investigate the complaint in accordance with the general principles set out above.
- 3.6 The complainant will be kept informed of the investigation and advised of the timescales for response.
- 3.7 Depending on the nature of the complaint, the Headteacher may want to consider mediation. This could involve arranging a meeting with the complainant and, for example, a Deputy Head or other senior member of staff, the Chair of Governors, a Local Authority Adviser or the Family Mediation Officer.
- 3.8 Once all the facts have been established and the investigation concluded the Headteacher will produce a written response. This response will contain:
- a full explanation of the decision and the reasons for it
 - any remedy, where appropriate
 - advice on how to take the issue to the next stage if the complainant remains unhappy
 - advice that this should be done within 20 days of receipt of the response letter from the Headteacher
- 3.9 The Headteacher will copy the response to any other member of staff involved in the complaint.

Stage 2: Investigation by Governing Body Complaints Committee

If the complaint has been investigated by the Headteacher and the complaint remains unresolved, or the complainant remains unsatisfied, they can escalate the complaint to Stage 2 – a meeting with members of the Governing Body's complaint committee, which will be formed of the first three or five, impartial Governors available. This is the final stage of the complaints procedure. A complaint should also be investigated at this stage if the complaint concerns the actions of the Headteacher.

- 4.1 The complainant should make their request to escalate to stage 2 to the Chair of Governors, via the school office, within 15 school days of receipt of the Stage 1 response.
- 4.2 The complainant should make their complaint to the Chair of the Governing Body, including relevant documents where possible.
- 4.3 The Chair will establish the Panel, comprising three or five governors, with delegated responsibility to consider the complaint. No governor with previous knowledge of the circumstances of the complaint, prior involvement in the complaint or any interest in the outcome of the hearing, may sit on the Panel. In establishing the Panel the Chair should try, so far as possible, to ensure that it is balanced and diverse in its membership.
- 4.4 The Chair may delegate the arrangements for the panel meeting to the clerk, and the clerk may be the contact point for the complainant.
- 4.5 The convenor of the complaints panel (Chair, or clerk, if delegated) will:
 - 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. The venue must be suitable for the hearing and allow for separate meeting areas for the complainant and any other witnesses;
 - If the complainant rejects the offer of three proposed dates, without good reason, the Chair, or clerk, if delegated will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
 - invite the Panel members, complainant, Headteacher and any other person involved, giving them at least 5 days' notice;
 - collate all written material relevant to the complaint and circulate it to all parties at least 5 days before the hearing;
 - establish whether a translator or interpreter is likely to be required, and make appropriate arrangements;
 - ascertain from the parties whether they wish to invite any witnesses to attend; confirm with the Chair whether any such requests are accepted; invite any witness so accepted
 - inform the complainant of their right to be accompanied by a friend/supporter;
 - inform the Headteacher and any other member of staff involved of their right to be accompanied by a friend/colleague or representative: for example, a member of their professional association or union;
 - meet and welcome the parties as they arrive at the hearing;
 - arrange refreshments, if required;
 - take a written note of the proceedings;
 - circulate the Panel's decision to all parties.

- 4.6 The Panel should take place within 15 school term days of the complaint being received at stage 2.
- 4.7 The Chair of the Complaints Panel is responsible for ensuring the hearing is conducted fairly (a sample checklist for the conduct of a hearing is attached at Appendix B):
- the hearing will be conducted as informally as possible, consistently with making sure that every party is fairly heard; the Chair will do his or her best to put the complainant and the other witnesses at their ease;
 - the Panel will be open-minded and will act independently;
 - those involved will be required to behave respectfully and courteously throughout;
 - a fair procedure will be adopted which ensures that everyone involved has a proper opportunity to explain their point of view, ask questions, and respond to the points made by the other side, without undue interruption;
 - the Chair will ensure that the issues arising are discussed and addressed, and will make findings of fact;
 - where a new issue arises during the hearing, parties will be given an appropriate opportunity to consider and comment on it.
 - The committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.
- 4.8 The Panel can:
- **dismiss** the complaint in whole or in part;
 - **uphold** the complaint in whole or in part;
 - **decide on 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.
- 4.9 Having concluded the investigation, the Chair will produce a written response on behalf of the Panel. This response will contain:
- a statement of whether the complaint is upheld, in full or in part;
 - the reasons for that decision;
 - any remedy, where appropriate
 - advice on how to take the issue to the next stage if the complainant remains unhappy.
- 4.10 The entire process at this stage should be concluded within 25 school term days.

- 4.11 The Chair of the Panel will copy the Panel's response to the Headteacher and the Chair of Governors.

Stage 3: Referral to the Department for Education

- 5.1 If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or that they acted unlawfully or unreasonably in the exercise of their duties under law, they can contact the Department for Education after they have completed Stage 2

Complainants should write to:

Department for Education (DFE)
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

Online at:

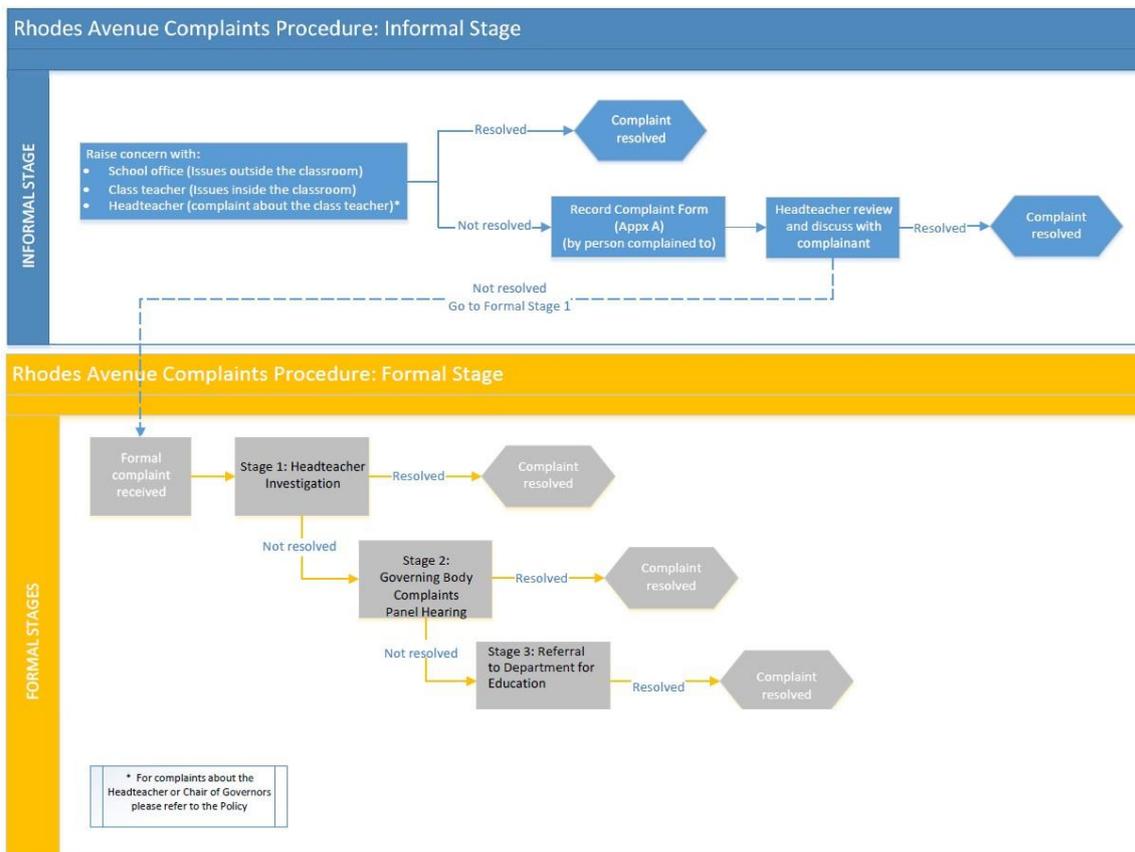
www.education.gov.uk/contactus

By telephone on:

370 000 2288

- 5.2 The Department for Education will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. The DFE also examines policies to determine if they adhere to education legislation. However, the Department will not re-investigate the substance of the complaint. This remains the responsibility of schools.
- 5.3 If legislative or policy breaches are found, DFE will report them to the school and the complainant and, where necessary, require remedial action to be taken.

Flow-chart to summarise procedures.



Appendix A

Complaint Form

Please complete and return to.....the School Office, who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number: Evening telephone number:
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)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signed

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix B

Checklist for a panel hearing

The Panel should take the following points into account:

- The hearing should be conducted as informally as possible, while ensuring that all parties have a fair opportunity to be heard.
- The Chair should start by introducing the Panel and clerk, and ask the parties to introduce themselves.
- The Chair should then explain the Panel's remit, and how the hearing will be conducted.
- The complainant will be invited to explain their complaint, including referring the Panel to any relevant documents.
- Any witness(es) for the complainant should then give their version of events.
- The complainant may question the Headteacher and each witness after each has spoken.
- The Headteacher will be invited to explain the school's point of view and actions.
- Any witness(es) for the school should then give their version of events.
- The complainant may question the Headteacher and each witness after each has spoken.
- The Panel may ask questions at any point.
- Where it considers it appropriate, the Panel may request that questions by the complainant or the Headteacher are posed through the Chair.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's response to the complaint.
- The Chair explains that both parties will hear from the panel within a set timescale.
- Both parties should leave together. The Panel should deliberate in the absence of the parties and reach its conclusions.