



# Colston's Primary School

<b><u>POLICY NAME</u></b>	<b>Complaints Policy</b>
<b><u>COMMITTEE LINK</u></b>	<b>Full Governing Body</b>
<b><u>LAST REVIEWED</u></b>	<b>October 2014</b>

## **Introduction**

Colston's Primary School is a Cooperative Academy. This complaints policy reflects our cooperative values of democracy, equality, equity, self-help, self-responsibility and solidarity.

We wish to encourage parents to express their views on what goes on within the school. Parents and pupils should never feel, or be made to feel, that a complaint will adversely affect their relationship with, or opportunities at the school. We are pleased to have early warning of potential difficulties, or information which can help prevent problems from arising and we wish to know, as soon as possible, if there is any cause for dissatisfaction.

We recognise that concerns and complaints may take many forms. They may be to do with the policies of the Governing Body, actions by members of the school community or other matters. The school will try to respond to every concern or complaint in a positive way, with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.

The aim of this policy is to ensure that a concern or complaint is responded to sympathetically, effectively and fairly. In order to ensure that complaints are dealt with as quickly as possible, at the appropriate level and in a clear and straightforward way, we have adopted a staged approach to dealing with complaints. This is good practice; it is fair to those concerned and it helps to promote parents' and students' confidence in the school's ability to safeguard and promote welfare. We expect that most concerns and complaints will be resolved at Stage 1, or Stage 2, of the procedure which is set out here.

## **Status of this policy**

This policy has been approved by the Governing Body of Colston's Primary School. It sets out our procedure for handling concerns and complaints. It takes into account and is compliant with the provisions of Section 25 of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010 (SI 2010/1997). The policy also takes account of the School's public sector equality duty set out in section 149 of the Equality Act 2010

## **Dealing with concerns and complaints**

The Head Teacher has an "open door" policy and is easily accessible to all members of the school and the local community. This complaints policy is publicised on the school website and a paper copy will be provided by the Head Teacher or school office on request.

Our procedure for dealing with concerns and complaints has four stages.

## **Stage 1 – The first contact**

Parents are always welcome to discuss their concerns with the appropriate member of staff and some concerns will simply be a matter for everyday conversations between parents and teachers.

Any problem or concern should first be taken to the class teacher, or other relevant member of staff. The member of staff who is the first point of contact will deal with the matter if they can, but may involve other staff and/or the Head Teacher, if this is helpful in the circumstances. The member of staff who is first asked to deal with the matter will always ensure that the person who has raised the concern is clear about what is happening. They will make sure they have the contact details they need in order to keep the person informed and will check on progress with other members of staff, if necessary. They will always keep appropriate notes of such conversation.

Many concerns will be resolved informally in this way. However, if no satisfactory resolution has been found within a mutually agreed timeframe, typically expected to be around 10 days, the person raising the matter will be advised to make a complaint, in writing, to the Head Teacher.

### **What if the complaint is about the Head Teacher?**

Complaints about the Head Teacher should be made to the Chair of Governors, who will deal with them in line with Stage 2 of this policy.

## **Stage 2 – Referral to the Head Teacher for investigation**

When a written complaint is received, it will be acknowledged, within 5 working days. This acknowledgement will include a brief explanation of the complaints procedure and will give a target date for providing a response, which will usually be within 20 working days. It will also say who will deal with the complaint. This will usually be the Head Teacher, but may sometimes be another senior member of staff, nominated by the Head to deal with the matter.

The Head Teacher will provide an opportunity for the complainant to meet with them, or with the nominated person, in order to discuss the complaint. If necessary, the Head Teacher may interview others who are involved in the complaint, both before and after this meeting with the complainant.

This initial meeting with the complainant will be held as soon as possible, subject to the availability of the Head Teacher and of the relevant staff member(s) who may need to be consulted in advance of the meeting. It will be made clear to the complainant that if s/he wishes, s/he may invite a family member, friend, or advisor and, if needed, an interpreter, to attend the meeting. This meeting should establish, by agreement between the parties, exactly what the complaint is about and what redress is sought.

If a member of staff is complained against, they must have the opportunity to present their case. They may be invited to a meeting with the complainant, at the discretion of the Head Teacher.

If at any time it appears in the reasonable opinion of the Head Teacher that there is a case for disciplinary action against a staff member then the school's disciplinary procedure must be followed. Where the complaint involves an allegation of a potentially criminal nature, the Head Teacher (or where the allegation concerns the Head Teacher, the Chair of Governors) must inform the Local Authority Designated Officer (LADO) within one working day. The member of staff who is the subject of the complaint would normally be advised of the situation immediately, although if the complaint involves a child protection issue, the child protection procedures detailed in the South West Child Protection procedures will come into force (<http://www.online-procedures.co.uk/swcpp>)

If the target time of 20 days to complete the whole of Stage 2 cannot be met, the complainant will be informed, an explanation will be given and a revised date will be set by which the response will be given.

The formal response to the complaint may be given in writing, or during the course of a meeting with the complainant, in which case it will be confirmed in writing. This response will include an explanation of the decision, the reasons for it and where appropriate, details of any action being taken by the school to resolve the complaint.

It is envisaged that most of the problems or potential complaints unresolved at Stage 1 will be resolved at this stage. Once the formal written response to the complaint has been given the complaints process is concluded unless the complainant indicates in writing to the Chair of Governors, within 30 days of its issue, that they are not satisfied with the outcome. The response to the complaint will include advice to the complainant about how to pursue matters if they are not satisfied by the response.

### **What if a complaint is about the Head Teacher?**

In the case of complaints about the Head Teacher, Stage 2 of this procedure will be followed, but instead of the Head Teacher, the Chair of Governors or another governor they nominate, will deal with the matter as set out here.

### **Stage 3 - Review by the Governing Body**

This stage of the complaints procedure does not start unless the formal response by the Head Teacher at the end of Stage 2 has been rejected by the complainant and a further written complaint has been made, within the 30 day time limit. This written complaint should set out, as clearly as possible, what is being complained about, why the complainant is not satisfied with the response made at Stage 2 of the procedure and the action the complainant would like the school to take to resolve the matter.

Complaints will rarely reach this stage, but when they do so, the procedure will ensure that the Governor Review of the complaint is independent and impartial.

### **Setting up the Complaints Panel**

The Chair of Governors will write to the complainant within **5** working days to acknowledge receipt of the written request for a governor review of their complaint. This acknowledgement will inform the complainant about the next steps.

The first step will be for the Chair of Governors to convene a Complaints Panel. The Panel will consist of three people – two Governors, who have had no previous dealings with the complaint and one member who is independent – that is, not connected with the management and running of the school. It will be up to members of the Complaints Panel to decide who should be its Chair. A Clerk to the Panel will be appointed. This will usually be the Clerk to the Governors. Relevant documents will be passed to all Panel members. Only the Chair of Governors and the appointed panel can deal with the complaint. No other governor should involve themselves.

The Complaints Panel will hear evidence about the complaint and reach a decision based on this evidence. The Chair of the Panel will endeavour to ensure that the Panel hears the complaint within **20** working days of them receiving the complaint.

The Chair of the Panel or Clerk will write to inform the complainant, the Head Teacher, any relevant witnesses and members of the Panel, at least **10** working days in advance, of the date, time and place of the meeting. This notification will also inform the complainant of her/his right to be accompanied by a friend, advocate or interpreter. The Head Teacher and other members of staff, if appropriate, will be invited to attend the Panel meeting and may also be asked to provide a written report to the Panel, in response to the complaint.

All concerned, including the complainant, should receive any relevant documents, including the Head Teacher's report at least **5** working days prior to the meeting. A written record will be kept of Panel

meetings.

### **The Panel Hearing**

The complainant will be invited to attend the Appeals Panel hearing and may be accompanied by one other person. It is not necessary for that person to be legally qualified, but if the complainant wishes to be accompanied by a legally qualified person, acting in their professional capacity, they must notify the Clerk at least five school days before the hearing.

The Chair will conduct the hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The hearing is not a legal proceeding and the Appeals Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.

All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair of the Panel. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his / her comment will be noted.

### **The Panel's decision**

The Panel should then consider the complaint and all the evidence presented and

- reach a unanimous or at least a majority decision on the complaint
- decide on the appropriate action to be taken to resolve the complaint, including whether to recommend that the redress sought by the complainant should be given or not and whether any other remedial action is required
- where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

The Chair of Governors will then be responsible for ensuring that the actions are carried out by the school and for reporting back to the complainant. An anonymised report of the Panel's decision will be also be made to the next meeting of the Governing Body,

### **Stage 4**

If the complainant is dissatisfied with the decision of the Appeals Committee they may contact the Education Funding Agency and the notice of the decision of the Complaints Panel will explain how such complaints can be made. Generally, the EFA can only look at complaints about Academies which fall into the following two areas

- The academy did not comply with its own complaints procedure, or its procedure does not meet statutory requirements
- The academy has failed to comply with a duty imposed on it under its funding agreement

### **Complaints about governors**

Complaints about governors will be dealt with in accordance with these procedures, in the following way. Complaints should be made to the Chair of Governors, or if they concern the Chair of Governors to the Vice Chair. The Chair or Vice Chair, will attempt to resolve the matter informally, in discussion with the parties involved. If this is not possible, they will investigate the complaint, in accordance with the procedures set out in Stage 2. If this does not resolve the matter, then the complaint will be dealt with in accordance with the procedures in Stage 3.

## **Confidentiality and record keeping**

### **Record keeping**

Formal record keeping begins at Stage 2 of the complaints procedure. In addition to the written complaint and response, and any other documents, the Head Teacher will keep a written record of any meetings which are held. This documentation will be treated as confidential and kept securely.

The Head Teacher will report to the governors annually on complaints received and the responses made to them; this report will contain anonymised information.

A complaint log will be kept of all complaints which reach this stage. The log will include the name of the complainant, the date of the meeting/s and a brief summary of the subject matter of the complaint and the response. The complaints log will be a confidential document kept securely by the school office. The summary complaint log may be made available to the Chair of Governors or nominated governor for complaints for monitoring purposes.

Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 25(k) of schedule 1 to the Education (Independent School Standards) (England) Regulations (SI 2010/1997) - that is where access is requested by the Secretary of State or where disclosure is required in the course of the School's inspection or under other legal authority. In accordance with data protection principles, details of individual complaints will normally be destroyed following each inspection. In exceptional circumstances, some details will be retained for a further period as necessary.

This policy is effective from the ratification date.

### **Monitoring and Review:**

To be reviewed every 3 years.

Amended/updated: June - October 2014

Ratified at FGB: October 2014

Date for Review: October 2017

Signed by Chair of Governors \_\_\_\_\_