

FLORENCE MELLY COMMUNITY PRIMARY SCHOOL



COMPLAINTS POLICY

RATIFIED: DECEMBER 2017

REVIEW: DECEMBER 2018

Complaints Policy

December 2017

"Please leave any correspondence at the school office in a sealed envelope marked for the attention of the Chair of Governors. This will be dealt with confidentially."

The School has this Complaints Policy displayed on its website and available at the school office in line with the Section 29 Education Act 2012.

1. Principles of the Complaints Policy:

- All issues will be dealt with as quickly and efficiently as possible, and resolved informally if appropriate, to minimise impact on all parties.
- The complaints process will be maintained as impartial, non-adversarial and confidential.
- Any formal complaints will be responded to in writing and to an agreed timeline.
- The school will always act in the best interests of the child, and will make amends and enforce actions if complaints are upheld so as to improve provision for all children. Any agreement that the school could improve provision is not an admission of negligence, but an acceptance that improvements could be made.
- Actions in response to a complaint will be outlined in a letter to the complainant. However, any responses to a complaint that include sanctions to members of staff cannot be detailed, to remain compliant with employment law.

2. Stages of Complaints Procedure

- (1) **Informal concerns** – conversations with staff to be resolved quickly through discussions and actions without formal written responses.
- (2) **Formal concerns** – if informal concerns are not resolved satisfactorily, these concerns are submitted in writing to senior leaders or governors, through meetings, emails or letters. An investigation will follow, where the complainant may be contacted for further details. A formal written response is then sent detailing any actions. These complaints can be to the Head teacher or Chair of Governors if complainants are unhappy with the Head's response.
- (3) **Review of responses** – if unsatisfied with the leaders' responses, complainants can request a review of the evidence used to decide if complaints are upheld. A team of three governors not involved in responding to the original complaint will review the evidence and send a formal response letter.
- (4) **External review of procedures** – If still unsatisfied, complainants can request that the Secretary of State reviews the school's procedures to check they are compliant and following regulations in accordance with Section 29 of the 2002 Education Act (which outlines Governing body complaints procedures). The Secretary of State can only respond to complaints under Section 496 of the 1996 Education Act if; "...a governing body (or LA) has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a 'fair' procedure."

In the case of spurious complaints or those used in a vexatious manner, the mechanism for responding to these complaints will be different, and will only outline why the complaints are not to be investigated.

3. Stages of Complaints.

Our school works hard to meet every child's needs. However, we recognise that there may be some occasions when those involved with the education and welfare of children may have a

complaint against some part of the school's activities. The school takes all feedback seriously, and will deal with all complaints confidentially and as quickly as possible.

(1) Outline of Informal complaints (Stage 1)

All staff within school, including the head teacher, are available to respond immediately to any concerns from anyone involved in a child's education or wellbeing. Times when our staff are available for conversations include:

- The start and end of the school day
- For meetings, which can be scheduled through the main school office (0151 226 1929)
- Through phone conversations during school hours (0151 226 1929)

The school's response to complaints at this stage will be to listen and then to respond within 10 days either by phone or in person. Normal responses could be a conversation with a class teacher, contact with the special educational needs co-ordinator, scheduling of a meeting or a minor change to a process that does not impact on the rest of the class, for example storing a lunch box or PE kit in a different place. Some complaints may be resolved within school and a note sent home detailing the changes that have occurred so that parents are kept informed as soon as possible.

(2) Outline of Formal Complaints (Stage 2)

Formal complaints need to be submitted in writing, either by email or letter to the head teacher in the first instance, or to the Chair of governors if you are unsatisfied with the head teacher's response. The maximum time delay for an investigation into a historical issue is normally three months, as after this time evidence cannot be reliably found to support the investigation. It is important to include a clear statement of the actions you would like the school to take to resolve your concerns.

Formal responses in the form of a letter detailing whether parts are upheld or not and any actions the school will take will be sent within 10 days of receipt of the written complaint. Formal complaints can also be made in a meeting with the head teacher, at which point you will be asked to sign a written summary of your complaint. A formal response will be sent out within 10 days of this meeting.

Formal complaints can be submitted using a letter template that is available from the website or the school office, or in any written format. These complaints will be investigated by the Head in the first instance, and follow up phone calls or meetings may take place. For this reason it is important to include contact details in the complaint. If the complainant requires the Chair of Governors to investigate and not the Head, this should be clearly indicated.

Anonymous complaints will not be investigated under this procedure unless there are exceptional circumstances. This could include serious child protection or bullying allegations, or anything relating to the safeguarding of children. In this case, the school will forward onto external agencies so that appropriate formal investigations can take place.

Formal complaints can have one of four results:

(1) Complaint Upheld

In this instance, evidence was found that the school could improve in response to the complaint, and an action will be taken to improve provision in the school. The response will include an apology and a summary of the actions to be taken.

(2) Complaint Partially Upheld

In this instance, some aspects of the complaint could have been found to require action, even if the entire complaint is not upheld. This response will include an apology and a summary of the actions to be taken in response. Any aspects that are not upheld will be outlined clearly.

(3) Complaint not Upheld / 4. Lack of Evidence

In this case, evidence could not be found to support the complaint. A response will be sent outlining the content of the complaint, and why no actions will be taken. In some instances, it may be impossible for an investigating officer to find further evidence, for example if there are two different accounts of a conversation from the two parties involved, and there are no other witnesses. In these cases, the officer cannot uphold the complaint, but that is not to say that an incident did not occur, simply that supporting evidence could not be found.

If a complaint relates to a local authority procedure or the provisions from an external agency such as those responsible for admissions, the national curriculum, exclusion appeals or special educational needs, although the school will acknowledge the complaint and outline their response, this will only relate to any elements that are within the school's direct control. The complainant will be signposted to the contact details of those agencies responsible for the provision that is the subject of the complaint.

4. Outline of Investigations (Stage 3)

In cases where a complainant is unhappy with the Head and Chair of Governor's response to a complaint, they can request an investigation into the school's response. A separate group (normally three governors who were not involved in responding to the original complaint) will look at the evidence found, actions taken and the response letter sent. This group will investigate if the complaint was responded to in line with the school's policy, in line with legislative requirements and compliant to procedure and a letter will be sent out within ten days of receiving the request to investigate outlining their findings.

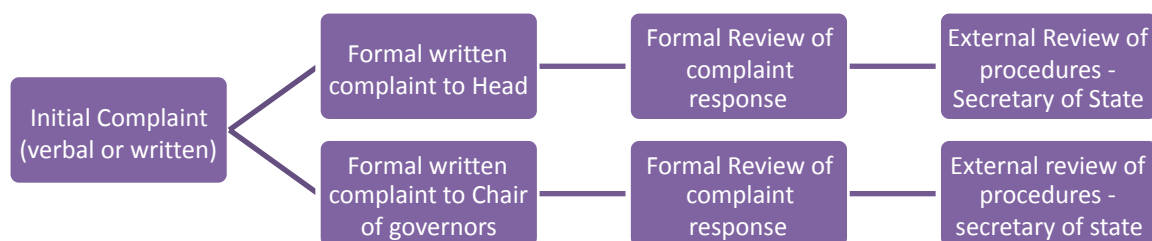
If this group find that the school did not respond in line with policy or that there was an insufficient response to the complaint, then a letter outlining remedial actions and a new response to the complaint will be sent out, again within ten days of receiving the request to investigate. If this group find that the original complaint was compliant with all aspects of policy, then a letter will be sent out detailing the outcome of the review.

5. Outline of External Review (Stage 4)

There is a further level of review that is available if a complainant is still not happy with the responses to their complaint. In this instance, the complaint letter, school response and governor responses can be sent to the Department for Education for independent review. If all actions are found to be within regulations then a letter will be sent outlining the review findings. If any parts of the school's responses are found to be outside of policy, practice or regulations, then a letter is sent outlining the actions that will be taken by the school.

Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Governing body (or LA) has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a 'fair' procedure.

6. Flow Chart of Processes



7. Annexe: NAHT Guidance

Nature of Contact	Appropriate person to receive contact	Relevant policy/procedure
Request for published information	School office	FOI Act Changing Policy
Request for personal pupil information	Head teacher or senior member of staff	DPA Charging Policy
Complaint about GB policy (content or application of)	Clerk/Chair	General Complaints Procedure
Concern about provision of facilities or services by the school	Head teacher Chair	General Complaints Procedure
Allegation about conduct of a member of staff	Head teacher or Chair (if allegation against Head)	School Staff Discipline Procedure (Confidential to School and Employee)
Allegation of verbal or physical assault by employee on pupil	Head teacher or child protection co-ordinator or chair (if allegation against Head)	Local Child Protection Procedures (Confidential to school, LA CPO and parents of alleged victim)
Allegation about capability of a member of staff	Head teacher or chair (if allegation against head)	School Staff Competence Procedure (Confidential to School and Employee)
Conduct of another pupil (e.g. bullying)	Head teacher or senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of alleged perpetrator)
Discipline of a pupil	Head teacher or senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of pupil)
Content of/Failure to maintain a statement of SEN	Head teacher/SENCO LA	LA procedures
Admissions	Chair/clerk (Foundation/VA) LA (Community/VC)	Admissions Procedure Admissions Appeal Procedure
Exclusion	Chair/clerk (Foundation/VA) LA (Community/VC)	Exclusion Appeal Procedure
Failure to provide NC Entitlement or Inappropriate Curriculum	Head teacher Clerk to GB LA	LA procedures
Extended Services	Manager of relevant service	Procedures of Service Provider
Decision to remove licence for a person to enter school premises (banning)	Clerk to GB/chair	GB Appeal Committee