

Complaints Policy

Date Policy due to be reviewed: September 2017

Committee Responsible for Policy: Personnel Committee

Policy statement re handling parental concerns and complaints

The school encourages feedback or opinions from pupils and parents. In practice this dialogue is continuous, sometimes directly and also indirectly.

Concerns

It is natural that parents may, occasionally, be concerned about an aspect of their child's education or welfare at school. This could include issues concerning 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 other staff will explain the school practices, policies, and how they affect the pupils. The majority of concerns will be handled by the form tutor or head of year as appropriate. Sometimes a member of our pastoral support staff will discuss and seek to resolve issues with parents.

The usual format is to contact the school to discuss your concern and all staff will try to help to resolve a problem where they can. If occasionally parents feel they must state their concern formally, this too is not a problem. The school has defined procedures for handling complaints.

Complaints

The procedure is to write or speak to appropriate member of staff in the first instance, or headteacher, depending on the nature of the complaint. Alternatively, contact the school to arrange an appointment to discuss your complaint with the appropriate person.

The school's policy is to broadly follow the recommended DfE guidelines when handling concerns and complaints. It would be unusual to deviate from these procedures but the school retains discretion in these matters and the headteacher may deviate from the procedure if this is warranted by particular circumstances.

In summary, the standard procedure is divided into four stages:

Stage 1 aims to resolve the concern through informal contact at the appropriate level in school.

Stage 2 is the first formal stage where written complaints are considered, normally by the headteacher and/or the chair of governors, and it is at this stage that the majority of complaints will be resolved.

Stage 3 is the next step if the problem has not been resolved. The complaint will be reviewed by a panel of 3 governors.

Stage 4 is a Final Review. If still no resolution has been found the complaint may be reviewed by the Secretary of State for Education (via the Education Funding Agency) which may comment on the way the school has dealt with the complaint. This is not a formal appeal but an opportunity to request a review by an official third party.

Whilst the school will seek to resolve concerns and complaints to the satisfaction of all parties, it may not always be possible to achieve this in every case. For this reason, the school is entitled to close correspondence on a complaint where it is felt that all reasonable action has been taken to resolve the complaint.

COMPLAINTS PROCEDURE - Guidance for Parents

Our policy, and that of the Government is that parental concerns and complaints should be dealt with locally, that is at school level, wherever possible. This is because we want to build and maintain good relations with you and to work with you to provide the best possible education for your child.

Wherever possible, we prefer to resolve any concerns informally, so as to make the best use of valuable time in supporting all the children in our care.

If, therefore, you have any concerns at all about your child's education or welfare at school, please contact us via the school office to arrange a meeting to discuss your concerns. We will then explain what action we can take to help to resolve the problem.

From time to time, situations can arise where parents feel that they must state their concern more formally. The procedures set out in this document explain how the school handles such cases.

The school recognises that parental concerns can give rise to stressful situations, both for families and for the school's staff. We therefore ask parents and carers to bring any concerns to us in a spirit of positive willingness to seek a solution and the school will respond accordingly.

As partners in your child's education we believe that difficulties need to be addressed calmly by both parents and school, without aggression, so that problems can be resolved in a constructive manner.

The guidance in this document does not cover concerns about the following, for which there are special arrangements laid down by law:

- The school curriculum, collective worship and religious education
- Appeals about admissions
- Appeals about exclusions
- Appeals about assessments and statements of special educational needs.

The arrangements for dealing with complaints about the school curriculum are quite tightly defined and it is often possible for us to deal with such concerns without recourse to the statutory procedure.

Complaints about racist incidents and cases covered by Child Protection arrangements

- We are required by law to report to the Local Authority any apparently racially motivated incidents, and cases that come under child protection legislation.
- Allegations of this kind are extremely serious and are treated as such by both the school and the local authority.
- Parents and others are asked also to acknowledge the seriousness of such cases and the implications when unfounded claims are put forward.
- Child protection arrangements may apply in cases where children only are involved and such incidents must also be reported in accordance with established procedures of which all schools are aware.
- Special arrangements, underpinned by employment law, apply in the case of concerns about members of staff, including the headteacher, teachers and support staff (both teaching and non-teaching) where potential child protection issues may be involved.
- Depending on the exact nature of your concern, the case may be handled under these special personnel procedures, which are confidential in nature.

- Cases involving staff other than the headteacher would be investigated by the headteacher; concerns about the headteacher's conduct (not necessarily in connection with a child protection issue) would be investigated by the chair of governors or a governor designated to deal with such complaints
- You are entitled to know that such an investigation has taken place, but under the law the details (what action, if any, has been taken) may not be disclosed. Where appropriate, however, we do take professional personnel advice so you can be assured that such cases are dealt with thoroughly and, where necessary, appropriate disciplinary action is taken.

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 four stages;

Stage 1 aims to resolve the concern through informal contact at the appropriate level in school (as described on pages 2 and 3 of this guidance).

Stage 2 is the first formal stage at which written complaints are considered by the headteacher and/or the chairman of governors.

Stage 3 is the next stage once Stage 2 has been worked through. It involves a complaints review panel of governors.

Stage 4 is the Review stage where the Education Funding Agency or Secretary of State for Education will, in certain cases, review and comment upon the way the school has dealt with the complaint.

How each of these stages operates is explained on the following pages.

Stage 1 – Initial contact with the school/informal consideration

1. Many concerns will be dealt with informally when they are made known to us. Normally the first point of contact should be the child's head of year. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
2. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed. We will confirm this in writing if necessary.
3. We will ensure that we speak to all appropriate persons who may be able to assist us with enquiries into your concern.
4. We will discuss with you at the earliest opportunity the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
5. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it 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." We will acknowledge your complaint in writing as soon as possible after receiving it.
2. Normally we would expect to respond in full within 10 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.
3. As part of our consideration of your complaint, we may if necessary invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
4. The headteacher, or chair of governors may also be accompanied by a suitable person if they wish.
5. Following any 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.
6. 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.
7. 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.
8. The headteacher or chair of governors will keep a record of all meetings and other related information.
9. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give an explanation of the headteacher's or chair of governors' findings and/or decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
10. The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point. Please see the next page for further information about this process.
11. If the complaint is not closed after Stage 2, you may wish to proceed to Stage 3

Closure of complaints

- Very occasionally, a school and/or the LEA will feel that it needs, regrettably, 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".
- If a complainant persists in making representations to the school – to the headteacher, designated governor, chair of governors or anyone else – this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
- 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. The LEA will support us in this position, and especially where the complainant's action may be causing distress to staff and/or pupils.
- In exceptional circumstances, closure may occur before a complaint has reached Stage 3 of the procedures described in this document. This is because a complaints panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of investigating the complaint.

It may be decided, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward.

- This does not, of course, prevent you from referring your complaint to the EFA for a review of the way it has been handled, 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, we may agree to set up a complaints review panel to consider it. This is a formal process, and your ultimate recourse at school level. The Chair of Governors has discretion to agree to this form of meeting where he or she feels it would be helpful in resolving the complaint.

The purpose of this arrangement is to give your complaint a hearing in front of a panel of governors who, if the complaint is about an individual incident, child or children, have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.

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

1. The clerk to the governing body will arrange for the panel meeting to take place.
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 in certain cases 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 may also be asked to prepare reports or statements.
4. The clerk will inform 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, the clerk will send you any relevant documentation about the complaint and ask whether you wish to submit further written evidence to the panel.
6. The letter will explain what will happen at the panel meeting and the clerk will also inform you 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. Although formal in status, in order to ensure parents feel at ease, the meeting will be held in as an informal manner as possible.
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 a fair opportunity to consider and respond to the new evidence.
10. The meeting will be minuted but as minutes usually name individuals, and may record sensitive issues, they are regarded as confidential and parents therefore do not have an automatic right to see them or to receive a copy.
11. A copy of the written outcome of the panel meeting, i.e decisions, recommendations, etc, will be forwarded to the parent
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. The panel will then consider the complaint and all the evidence presented in order to:

- reach a unanimous, or at least a majority, decision on the complaint;
- 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 to ensure that similar problems do not happen again.

14. The clerk will, in due course, send you and the headteacher a written statement outlining the decision of the panel. The letter will explain that you may request that the complaint be reviewed by the EFA under Stage 4 of the procedures, as described below. That process is not strictly an appeal, as the EFA will not normally direct the governing body in most general complaints cases. It is, however, an opportunity to seek the opinion of an official third party and the outcome, including any recommendations, may be helpful to you in seeking resolution of the complaint.

Stage 4: Complaining to the Education Funding Agency (EFA)

The Education Funding Agency (EFA) – and through them the and Secretary of State for Education - will normally only consider a complaint about an Academy after the Academy's own complaints procedure has been exhausted. The EFA cannot review or overturn decisions about complaints made by Academies, they can only investigate whether the Academy considered the complaint appropriately. If the EFA finds that an Academy did not consider a complaint appropriately it can request the Academy to re-consider the complaint.

The EFA will investigate complaints about:

- undue delay or non-compliance with an Academy's own complaints procedure;
- allegations that the Academy has failed to comply with a duty imposed on it under its Funding Agreement with the Secretary of State;
- allegations that the Academy has failed to comply with any other legal obligation placed on it, except in cases where there is another body or organisation that is, in the view of the EFA, better placed to consider and, if necessary, take further action in connection with the issue (including, but not limited to, a Court of law or other Tribunal of competent jurisdiction, local authorities or other regulatory bodies).

The EFA will not investigate complaints about:

- examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;
- a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First-Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST): <http://www.justice.gov.uk/tribunals/send>;
- matters that are the subject of legal action.

The EFA will not usually investigate complaints more than twelve months after the decision or action was taken unless the complainant has good reason for the delay in making the complaint.

The EFA reserves the right not to investigate complaints considered to be vexatious or malicious or where they are satisfied with the action that the Academy has already taken or proposes to take to resolve the complaint.

Complaints to the EFA about Academies should be sent:

- By email to academyquestions@efa.education.gov.uk
- By post to Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH