



COMPLAINTS POLICY

Policy or procedure reference number: S2

Issue number: 1

Date: 12/16

Review date: 12/17

Responsibility for review: Headteacher

This policy should be used in conjunction with the DfE Guidance ([Best Practice advice for school complaints procedures 2016](#)) and alongside the School Home/School Agreement where appropriate.

Introduction:

The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. Oakhurst Community Primary School is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish or be asked to follow the school's formal complaints procedure. For the school to be able to investigate a complaint, it needs to be made within one year of the incident occurring. If a complaint is older than a year it will not normally be investigated.

The prime aim of the school policy is to resolve the concern/complaint fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the school.

All complaints will be logged with the complaints co-ordinator by the school including the outcomes at each stage.

The following details outline the three stages that can be used to resolve complaints, (see Appendix 2 for a summary).

Stage 1 – Raising a concern informally with a staff member and/or Headteacher

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that concerns are initially raised with the appropriate member of staff, e.g. child's Class Teacher or the Headteacher. The staff member will make a log of your concern and the outcomes with the school complaints co-ordinator who is a member of the Senior Leadership Team.

On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at stage 1, please write or call the school within 10 school working days and state what you would like the school to do. The Headteacher will then look at your complaint under Stage 2 of the procedure.

Stage 2 – Formal Complaint heard by the Headteacher

Formal complaints shall be put in writing and addressed to the Headteacher (see Appendix 3). The complaint will be logged, including the date it was received. The school will normally acknowledge receipt of the complaint within 5 school working days of receiving it.

The Headteacher will investigate the complaint and respond in writing. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. In many cases this response will also report on the action the school has taken to resolve the issue. Additionally, a meeting may be convened to discuss the matter further. This meeting will normally take place within 10 school working days of the Headteacher receiving the written complaint. The aim will be to resolve the matter as speedily as possible.

If you are not satisfied with the result at stage 2 please write to the Chair of Governors care of the school within 5 school working days of getting our response.

Complaint about the Headteacher

Complaints against the Headteacher will need to be raised with the Chair of Governors initially informally as in Stage 1, and then if necessary formally as in Stage 2. The Chair of the Governing Body will make arrangements for your complaint to be investigated. Following the investigation, the Chair will give a written response within 10 working days. If the matter is not resolved the complaint can be heard by the Governors' Complaints Panel, stage 3 outlined below

Stage 3 – Formal Complaint heard by the Governing Body Complaints Appeal Panel (see Appendix 1)

If the matter has still not been resolved at Stage 2 then you will need to write to the Chair of Governors giving details of the complaint. The Chair or a nominated Governor/Clerk will convene a complaints panel. You will be invited to attend the hearing and accompanied if you wish. The hearing will normally take place within 10 school working days of the receipt of the written request for Stage 3 investigation.

The aim of the Appeal panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant.

All parties will be notified of the Panel's decision in writing within three school working days after the date of the hearing. The letter will also contain what you need to do if you wish to take the matter further.

The Governors appeal hearing is the last school-based stage of the complaints process.

If you consider that the governing body has not acted properly in carrying out its investigation into your complaint you have a right to complain to the Local Authority (LA) as it has a responsibility to ensure that governing bodies act properly. The LA does not have the power to instruct a governing body to reverse its decision but will want to satisfy itself that the governing body has conducted the investigation fairly.

In the unlikely event that you will need to complain to the LA about the governing body's handling of a complaint please write to:

Group Director: Children Services
Swindon Borough Council
Beckhampton St
SN1 2JH

Please note that the LA can only act when each step of the school's complaints procedure has been followed.

Finally, if you think your school's governing body or your Local Authority is acting 'unreasonably' you can write to the Secretary of State for Education. Complaints to the Secretary of State are handled by the government's Department for Education (DfE) - School Complaints Unit.

You can write to The School Complaints Unit (SCU) at:

Department for Education 2nd Floor,
Piccadilly Gate
Manchester
M1 2WD

Or electronically at www.education.gov.uk/form/school-complaints-form

The Role of the Department for Education

If a complaint has exhausted the local procedures, School Complaints Unit (SCU) will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU 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.

If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

Appendix 1 - The Remit of the Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the 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.

There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

- The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The DfE strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- 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;
- collate any written material and send it to the parties five days in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.
- (as best practice, copies of panel meeting minutes should be shared with all parties involved in the hearing, providing reasonable opportunity for the minutes to be agreed)

The Role of the Chair of the Governing Body or the nominated governor

The nominated governor role:

- check the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;

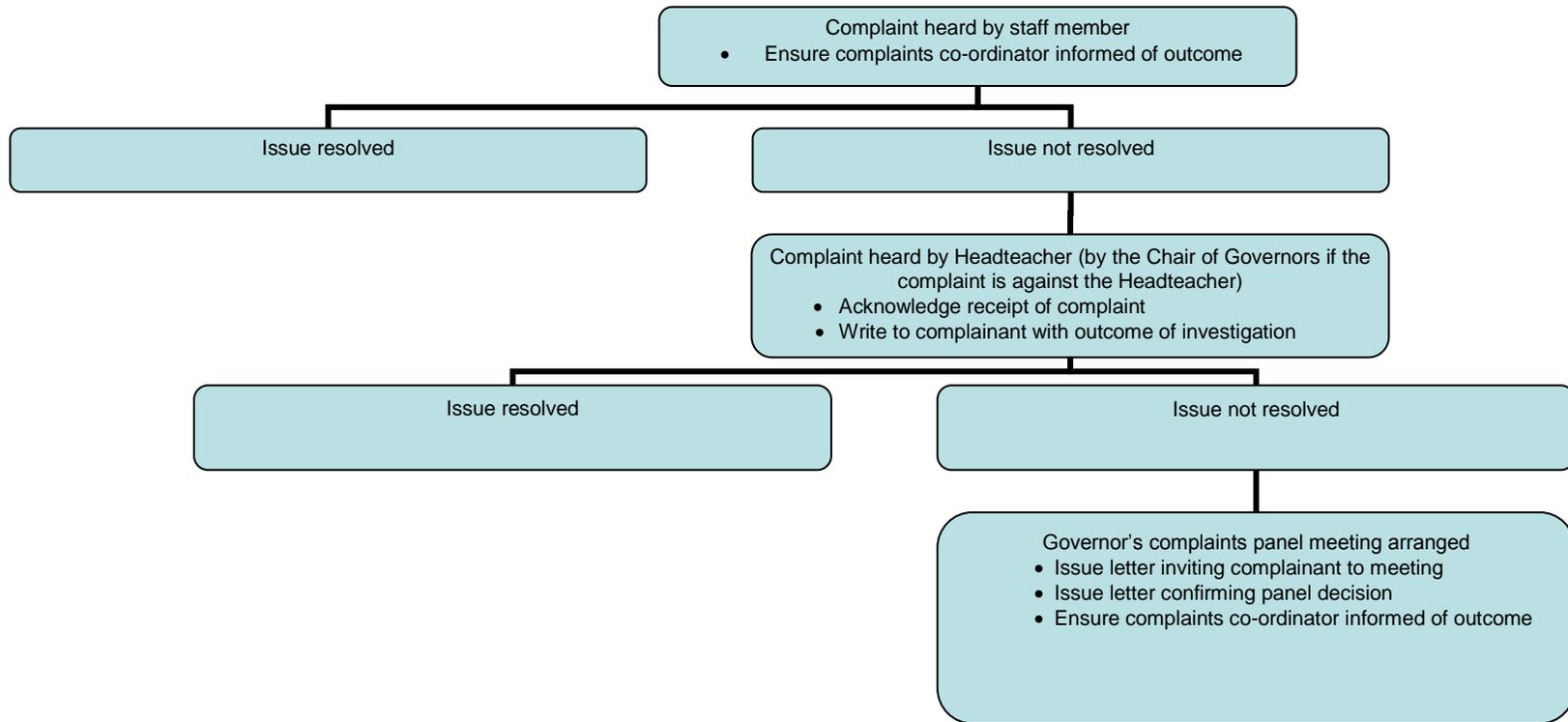
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.
- ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

Summary of Dealing with Complaints



Annex 3 - Complaints Form

Please complete and return to Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

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.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

September 2016