



POLICY FOR COMPLAINTS

This policy has been written with reference to Best practice Advice for School Complaints Procedures 2016 (DfE January 2016). This policy is not limited to concerns/complaints raised by parents carers of pupils attending the school, it is recognised that concerns/complaints may also be raised by members of the wider community. There are certain complaints that fall outside the remit of this policy for example staff grievance or disciplinary procedures for which the school has separate policies and procedures. (See Appendix 1)

This policy will be published on the school website.

Introduction

We believe that our school provides a good education for all our children and we are continually exploring opportunities to further improve this. However, the school is obliged to have procedures in place in case there are concerns or complaints by parents/carers or members of the wider school community. The following policy sets out the procedure that the school follows in such cases.

A concern may be defined as *'an expression of worry or doubt for which reassurance is sought'* this is likely to take the form of a question or request for clarification.

A complaint may be defined as *'an expression of dissatisfaction about actions taken or a lack of action'* this is therefore likely to relate to a specific incident which is known (or perceived) to have occurred.

We deal with all complaints in accordance with the process set out below, following procedures set out by the Governing Body. If the school cannot resolve any complaint itself, those concerned can ask the Governing Body to intervene.

All parents/carers have the right, as a last resort, to appeal to the Secretary of State for Education if they still feel that their complaint has not been properly addressed.

Aims and objectives

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

At Ivybridge Primary our Complaints Co-ordinator is the Head Teacher, Miss McKay.

The Complaints Process

The school will respond to individual families in relation to specific concerns and complaints raised by an individual. It is unable to respond to general concerns and complaints made by groups.

Stage 1 (informal concern)

If a parent/carer is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher. Most matters of concern can be dealt with in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress.

If for any reason a parent feels that they cannot discuss a concern with the class teacher, they should speak with one of the Assistant Head Teachers (Lower School - Mrs Tomlin, Upper School - Mr Stonebridge).

If the concern is in relation to the Head Teacher the parent should contact the Chair of Governors (Mrs I Bowles) via the school office in writing. If this is not possible the school office will make arrangements for the Chair of Governors to contact the complainant in person or by telephone.

If the concern is in relation to The Chair of Governors or any individual governor the complaint should be made in writing to the Clerk of the Governing Body.

If any member of staff is directly involved and feels too compromised to deal with the concern raised they should refer it to their line manager.

If a governor is approached in relation to a concern they should, in the first instance, refer the parent/carer to the appropriate person identified in this procedure, in most cases this will be the class teacher.

Where a concern is raised by a member of the wider community this will usually be dealt with by the school's complaints co-ordinator.

Stage 2 (formal complaint)

Where a parent/carer feels that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Head Teacher, Miss McKay. In the absence of the Head Teacher they should speak with the Deputy Head Teacher or one of the Assistant Head Teachers. Before proceeding with a formal investigation, the headteacher (or their representative) will meet with the individual and discuss their concerns and wishes, including the complainant's view as to what they think might resolve the issue. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do. If the complaint is to be dealt with under this policy the complaint should formally be submitted to the head teacher preferably in writing. Arrangements will be put in place for a complaint to be made in person or by telephone where necessary, a formal written record of this will be made by the school. The receipt of a formal complaint will be acknowledged by the headteacher in writing, usually within 3 school days.

The headteacher will investigate the complaint; this could involve reviewing any paperwork, interviewing those involved including pupils where appropriate. The headteacher will provide the complainant with a full written response usually within 10 school days of acknowledging the formal complaint. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken.

Stage 3 (formal complaint)

Only where a formal complaint has been made to the headteacher and not satisfactorily resolved (or where the complaint is about the head teacher), should a formal complaint be made to the Governing Body. This complaint must be made preferably in writing, stating the nature of the complaint and how the school has handled it so far. The parent should send this written complaint to Mrs I Bowles, Chair of Governors, c/o Ivybridge Primary School. Arrangements will be put in place for a complaint to be made in person or by telephone where necessary, a formal written record of this will be made by the school and sent to the Chair of Governors.

The Chair of Governors will investigate the complaint and convey his/her findings to the parties concerned. Where ever possible this will be within 15 school days of receipt of the written complaint, if for any reason this is not possible the Chair of Governors will write to the complainant giving the revised deadline and providing an explanation for this.

Stage 4 (formal complaint)

If the complainant is still not satisfied, they should write to the Clerk of the Governing Body (via the school office) giving details of their complaint and asking that it is put before the Complaints Panel. The Chair (or if the Chair has been involved at any previous stage a nominated governor) will convene a Governing Body Complaints Panel. This panel will consist of 3 members of the governing body who have not previously had any involvement in the complaint, they will nominate the chair.

The Chair of the Complaints Panel will acknowledge the complaint usually within 5 school days of receiving it. They will also advise of the date on which the panel will meet. Whenever possible this should be within 15 school days and the complainant will be given a minimum of three days notice of the meeting.

Guidance on the proceedings of the Complaints Panel and the roles of those involved with the complaints process can be found in appendix 2.

After the hearing the clerk of the panel will inform the complainant of the outcome in writing, including the reasons for the decision. This will be done within 5 school days of the hearing.

If the complainant is still not content that the complaint has been dealt with properly in line with this policy, then s/he is entitled to appeal to the Secretary of State for Education. They should write to;

The School Complaints Unit (SCU)
Department for Education
2nd Floor, Piccadilly Gate,
Manchester
M1 2WD

The department will examine the school's complaints policy (and any other relevant policies) and determine whether these were followed and also that they comply with education legislation. Any concerns will be reported to the school and where necessary the school will take remedial action. The Department for Education will not normally re-investigate the substance of the complaint; this remains the responsibility of schools. The department will only overturn a school's decision about a complaint in exceptional circumstances where it is clear that the school has acted unlawfully or unreasonably. If the department finds that the school has not handled the complaint in accordance with this policy it may request that it is looked at again.

Serial and Persistent Complaints

The school will always do its best to be helpful to anyone who contacts them with a concern, complaint or request for information. However if the school is contacted repeatedly by an individual making the same points or asking the school to reconsider their position the school will need to act appropriately to ensure that time and resources are not used ineffectively.

There may unfortunately be occasions where, despite all of the procedures and stages of this policy having been correctly followed the complainant is still not satisfied. If a complainant tries to reopen the same issue, the chair of the governing body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue then the correspondence may be regarded as serial or persistent and there will be no obligation on the part of the school to respond. The marking of 'serial' or 'persistent' is against the subject of the complaint rather than the individual. Further guidance relating to serial or persistent complaints may be found in Best practice Advice for School Complaints Procedures 2016 (DfE January 2016). Please also see the school's policy for Unreasonable Complainants. Ultimately if a complainant persists to the point that the school considers it to constitute harassment, legal advice will be sought which may lead to an injunction or other court order being issued.

Time limits

In order that complaints are resolved as quickly and efficiently as possible, this policy sets out clear expectations for time limits for each action. Where it is not possible to adhere to these time limits the complainant will be informed of this and of the reasons why. It is also reasonable to expect that a complaint will be made as soon as possible after the occurrence of the incident that gives cause for concern. Where there is a significant time lapse between an incident occurring and a complaint being made it can be extremely difficult to gather information necessary in order to complete the investigation. For this reason it will be expected that a complaint is made within 10 school days of an incident

occurring. On occasions there may be good reasons why there is a delay in making a complaint and the school is always willing to consider exceptions.

Recording and Monitoring of Complaints

The Governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. The Head Teacher logs all formal complaints received by the school (ie those received in writing) and records progress in investigating these and how they were resolved. Governors examine this log on an annual basis. The Head Teacher will report briefly to governors each term regarding complaints as part of the Head Teacher's Report to governors.

Review of the Complaints Policy

This policy will be reviewed biannually in the Spring Term (or sooner to take into account any changes in legislation or guidance issued by the DfE). Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy.

Appendix 1 Complaints not within the scope of this policy

This Complaints Policy covers all complaints about any provision of facilities or services provided by this school with the exception of those listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
Admissions to the school.	These should be raised with the Local Authority who is the admissions authority for this school. Complaints about admissions appeals are dealt with by the Local Government Ombudsman
Statutory Assessments of Special Educational Needs	These should be raised with the Local Authority.
School re-organisation proposals	These should be raised with the Local Authority.
Matters likely to require a child protection investigation	These should be raised with the Local Authority.
Exclusion of children from school	Further information about raising concerns about exclusions can be found at: www.gov.uk/school-discipline-exclusions/exclusions
Whistleblowing	The school has internal whistleblowing procedures for employees and voluntary staff. Other concerns can be raised directly with OFSTED.
Staff grievances and disciplinary procedures	The school has internal grievance procedures.
Complaints about services provided by other providers who may use school premises or facilities	Providers have their own complaints procedure and should be contacted direct.

Appendix 2 Roles and Responsibilities

The Complainant

The complainant will receive a more effective response if s/he;

- Co-operates with the school in seeking a solution to the complaint
- Expresses the complaint in full as early as possible
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint
- Asks for assistance as needed
- Treats all those involved in the complaint with respect.

The Complaints Co-ordinator/Head Teacher

The complaints co-ordinator should;

- Ensure that the complainant is fully updated at each stage of the procedure
- Ensure that all people involved in the complaint procedure are aware of legislation around complaints including the 2010 Equality Act, Data Protection Act 1998 and Freedom of Information Act 2000
- Liaise with staff members, headteacher, chair of governors and clerk to ensure the smooth running of the complaints procedure
- Keep records
- Be aware of issues regarding:
 - Sharing third party information
 - Additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved at stage 1 and 2 of the procedure, their role can include:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through;
 - Sensitive and thorough interviewing of the complainant to establish what has happened and who is involved
 - Consideration of records and other information
 - Interviewing staff and pupils and other people relevant to the complaint
 - Analysing information
 - Effectively liaising with the complainant and complaint co-ordinator as appropriate to clarify what the complainant feels would put things right;
 - Identifying solutions and recommending courses of action to resolve problems
 - Being mindful of the timescales to respond
 - Responding to the complainant in plain and clear language.

The person investigating the complaint should make sure they:

- Conduct interviews with an open mind and be prepared to persist in questioning
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

Governing Body Complaints 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.

The role of the clerk

Any panel or group of governors considering complaints must be clerked. The clerk would be the contact point for the complainant and be required to:

- Agree the date, time and venue of the hearing with the chair of the panel, 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 in advance of the hearing (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- Circulate the minutes of the panel hearing notify all parties of the panel's decision.
- Liaise with the complaints co-ordinator.

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

The role of the Chair of the Panel

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

- The meeting is minuted
- 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;
- both the complainant and the school is given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance. If a new issue arises it would be useful to give all everyone the opportunity to consider and comment on it; this may require a short adjournment of the hearing;

- liaise with the complaints co-ordinator.

The Role of a Panel Member

Panellists will need to be aware that:

- it is important that the panel 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.
- The aim of the hearing, which will be held in private, will always to be to resolve the complaint and achieve reconciliation between the school and the complainant;
However, it must be recognised that 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 satisfy the complainant that his or her complaint has been taken seriously.
- Many complainants will feel nervous or inhibited in a formal setting;
Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complainant is a child and present during all or part of the hearing;
Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel should respect the views of the child and give them equal consideration to those of adults.
If the child is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child's parent is the complainant, the panel should give the parent the opportunity to say which part of the hearing if any the child needs to attend.
The parent should be advised however that the agreement might not always be possible if the parent wishes the child to attend a part of the meeting which the panel considers not to be in the child's best interests.
- The welfare of the young person is paramount.