



Meadowside Primary School

Complaints Policy

Reviewed: September 2018

Next Review: September 2020

Complaints Procedure

Statement of Intent

Section 29 of the Education Act 2002 requires that:-

- 1) The Governing Body of a maintained school shall
 - a) Establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints failing to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - b) Publicise the procedures so established
- 2) In establishing or publicising procedures under subsection 1, the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.
- 3) This policy is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE).
- 4) In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

General

- A complaint may generally be defined as 'an expression of dissatisfaction, however made, about actions taken or lack of action.'
- Any person, including members of the general public, may make a complaint about any provision of services that a school provides, unless separate statutory provisions apply (such as exclusions or admissions).
- Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.
- A complaint may be made in person, by telephone or in writing.
- Brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record.
- The progress of the complaint and the final outcome will be recorded. The Headteacher will be responsible for this.
- Complaints will not be shared with the whole Governing Body, except in very general terms, in case an appeal panel needs to be organised.
- If the whole Governing Body is aware of the substance of a complaint and the process reaches Stage 3, an independent panel will be set up to hear the complaint.
- The complainant will be asked at an early stage what they think might resolve the issue.
- Confidentiality will be respected.
- All the points at issue will be addressed and the aim will be to provide an effective response and appropriate redress, where necessary.
- Realistic and reasonable time limits will be set for each action. Where further investigations are necessary. New time limits will be set and the complainant will be sent details of the new deadline with an explanation of the delay.
- Staff and Governors will be made aware of the procedures.
- In determining who will deal with a complaint, the ability to consider the complaint objectively and impartially is crucial.
- Complaints will be reviewed, in order to identify any possible future improvements to procedure or policy.

Stage 1 – Complaint received by staff member

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. Where the complaint concerns the Head Teacher, the complaint will be referred to the Chair of Governors. Where the complaint is against a Governor, the complaint will be referred to the Clerk.

If a member of staff directly involved feels compromised, it will be referred to the Head Teacher.

Where the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure (in case a panel is needed at a later stage).

Stage 2 – Complaint heard by Head Teacher

The Head Teacher's influence will already have shaped the way complaints are handled in school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage 1 as well as pursuing their original concerns.

The complainant should put their concerns in writing, providing details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Head may delegate the task of collating the information to another staff member, but not the decision on the action to be taken.

Stage 3 – Complaint heard by Chair of Governors

The complainant needs to inform the Chair of Governors of the complaint, giving details.

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

Stage 4 – Complaint heard by Governing Body's Complaints Appeal Panel

The Chair, or a nominated Governor, will convene a GB complaints panel.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant.

The Governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The GB may nominate a number of members with delegated powers to hear complaints at Stage 3.

The panel can be drawn from the nominated members and will consist of 3 (or 5) people. The panel may choose their own Chair.

Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state. The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:
<https://www.gov.uk/complain-about-school>

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 school policy/procedure

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

- It is important that the hearing is independent and impartial and is seen to be so. No governor may sit on the panel if they have had prior involvement in the complaint or the circumstances surrounding it.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the parties. It may, however, only be possible to establish the facts and make recommendations.
- An effective panel will acknowledge that the complainant may feel nervous and inhibited in a formal setting. The panel chair will ensure that the proceedings are welcoming.

Roles and Responsibilities

The Complainant will receive a more effective response to their complaint if they:

- Co-operate with the school in seeking a solution
- Express the complaint in full as early as possible
- Respond promptly to requests for information or meetings
- Ask for assistance as needed
- Treat all those involved in the complaint with respect

The Head teacher/Chair/Clerk (as appropriate to the stage/complaint) should:

- Ensure that the complainant is fully updated at each stage of the procedure
- Ensure that all involved are aware of the legislation around complaints, including the Equality Act 2010
- Liaise with staff members/Chair/Clerk to ensure the smooth running of the procedure
- Keep records
- Be aware of issues regarding the sharing of third party information
- Offer additional support to the complainant to access the procedure as needed

The Investigator is the person involved in Stage 1 and 2. Their role can include:

- Providing a fair, transparent and comprehensive consideration of the complaint
- Sensitive and thorough interviewing of the complainant to establish the facts
- Keeping notes of interviews
- Consideration of records and other relevant information
- Interviewing staff/children involved
- Analysing information gathered
- Liaising with the complainant to clarify what they feel would put things right
- Identifying solutions and recommending courses of action

The Clerk to Governors is the contact point for the complainant at Stage 4 and is expected to:

- Set the date, time and venue of the hearing
- Collate any written material and send it to the parties in advance of the hearing
- Ensure the minutes of the meeting are recorded
- Notify all parties of the panel's decision

The Panel Chair

In addition to expectations set out above in Stage 4 the panel chair will ensure:

- The meeting is minuted
- The remit of the panel is explained at the outset
- Everyone at the hearing is treated with respect and courtesy
- Both parties are given the opportunity to state their case and seek clarity
- Liaison with the Clerk following the meeting to ensure minutes and final decision are distributed appropriately

Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept for 3 years.

Equalities

This policy has been written to take into account the needs of all, regardless of age, gender, disability, race and religion.

Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

The school has taken every reasonable step to address the complainant's needs, *and*

The complainant has been given a clear statement of the school's position and their options (if any), *and*

The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or

The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or

The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

Monitoring and Review

This procedure is monitored by the Governing Body and will be reviewed every two years or earlier if necessary.

The Complaints Process

When families join our school, the child, parents and Headteacher sign a Home School Agreement. This sets out our principles, ethos and commitment to work collaboratively with you, for each child's best interests.

Parents should be aware that some matters are determined by the Headteacher as part of the internal management of the school. These include curriculum requirements, teaching structure, composition of classes. Meadowside children are always at the heart of each decision we make.

Most minor complaints can be resolved quickly and informally. Parents should initially speak to their class teacher at the end of the day.

If the problem remains unresolved, the Headteacher and a member of the SLT can be spoken to informally either on the gate or by appointment.

If you still feel dissatisfied, you will need to make a formal complaint in writing to the Headteacher.

admin@meadowsideprimary.co.uk

The Headteacher will endeavour to provide a written response within 7 working days. The Headteacher may wish to meet with you during this period.

If the Headteacher cannot resolve the complaint the parent or carer should contact the Chair of Governors by direct email at:

chair@meadowsideprimary.co.uk

The Chair of Governors will attempt to resolve the complaint and will respond in writing within 7 working days. They may contact the Local Authority for advice.

If the Chair of Governors cannot resolve the complaint he/she will establish a small panel of governors to investigate the complaint and report back to parents. Please see Stage 3 of the policy for further details.

