



## HEATHCOAT PRIMARY SCHOOL

# SCHOOL COMPLAINTS POLICY AND PROCEDURE

### Introduction

At Heathcoat Primary School, we greatly value our reputation for genuinely caring for our pupils and for the manner in which we strive to work closely with parents, carers and families as a whole. From time to time, things might appear to go wrong and when this does happen, we can generally discuss the problem or situation quite quickly and help to resolve things. This is an everyday feature of school life and usually helps to build and strengthen the understanding and relationship between all of those involved. *However*, there will be times when this is more difficult and to help with those occasions, we have established the following procedures, should a parent or member of the school's community feel the need to approach any matter more formally.

Parents should initially raise concerns and complaints about pupils (or class matters) directly with members of staff, either in person, by telephone or in writing and not through a third person. They will be given an opportunity, as necessary, for further discussion of their concerns informally, with an appropriate, relevant member of staff. If a parent wishes to make a complaint about a particular teacher, an ancillary member of staff, a special needs issue or indeed another parent, then this should initially be made directly to the Head of School. An appointment may well need to be made to discuss these concerns further and parents are always welcome to request one. Any governor being directly approached should always refer the complainant to the agreed protocol for handling complaints as outlined in this document.

### Local Authority (LA)

Although Devon's Local Authority has no formal responsibility for resolving complaints, officers in the LA's team can provide advice and guidance to parents (and schools) on the procedures and options available. In certain circumstances, mediation or advice might be offered, this might be particularly helpful should a pupil's special need be the reason for the complaint.

### Duty of Care

A legal "duty of care" requires that any complaint brought to the attention of the Executive Headteacher or the Head of School, which suggests that a child has been or might be at risk of significant harm through violence, emotional abuse, sexual interference or neglect, may be referred without further notice to Devon's C&YPS or the police. If the local C&YPS or the police decide to investigate a situation, this may

postpone or supersede any investigation by the Headteacher or governing body of a particular complaint.

### **There are Four Stages of the Complaints Process:**

Stage 1: (Informal): Complaint heard by staff member (though not the subject of the complaint)

Stage 2: (Formal): Complaint to the Head Teacher for Investigation

Stage 3: (Formal): Complaint heard by Chair of Governors

Stage 4: (Formal): Complaint heard by Governing Body's Complaint Committee

### **Stage 1: The meeting arranged to discuss concerns/complaints informally**

- Although it is not often needed, at Heathcoat Primary School, a parent can bring a friend or partner to any discussion to support them regarding a concern/complaint.
- The member of staff dealing with the concern will make sure that everyone is clear as to what action, if any, or monitoring of the situation has been agreed. It should also be made clear if further information needs to be gained (this might have to be on the following day).
- If a parent wishes, even at an informal level and at an early stage, they are welcome to take any concern/complaint, directly to the Head of School.
- Every effort will be made to follow through any concern or complaint, speedily and conclude it either verbally or in writing with appropriate detail and outcomes, as is appropriate.
- On those rare occasions where no satisfactory solution or conclusion has been found, parents can consider making a formal complaint, either verbally or in writing to the Headteacher, which will then take matters to Stage 2 of the school's Formal Complaints Procedure. The Head of School or Headteacher might ask for any serious verbal complaint to be put in writing.

### **Stage 2 : Complaint to the Executive Headteacher for investigation**

The Headteacher will acknowledge a parent's complaint directly, either verbally or in writing. In some cases the Headteacher will have already been involved in looking into the matter; in others it will be his/her first involvement.

**1.1** The Headteacher will generally offer parents an initial opportunity to meet, to supplement any information previously provided, should either party feel that this is appropriate or necessary.

**1.2** If the complaint is against a member of staff, the Headteacher will talk to the staff member against whom the complaint has been made. Complaints about other matters will also usually require this, so some reasonable time to investigate will be required.

**1.3** If necessary, the Headteacher will seek to interview witnesses and take statements from those involved.

**1.4** The Headteacher will often need to keep reasonable written records of meetings, telephone conversations and other documentation.

**1.5** Once all the relevant facts have been established, the Headteacher will directly contact the parent in order to discuss matters and may produce a written response. The Headteacher may wish to meet with a parent (and visa versa) to discuss/resolve the matter before confirming the outcome verbally, directly or in writing. Different situations will often require different forms of investigation and response.

**1.6** The Headteacher's response will include as full an explanation as possible, of any situation, decisions and outcomes and the reasons for them. Where possible and appropriate, it will include what necessary action the school will take to resolve the complaint and try to improve matters in the future. Parents are advised that if they are not satisfied/not agree with the response and wish to take the matter further, they can do

so, by seeking a further meeting with the Headteacher, or writing to the school's Chair of the Governing Body via the school's office. The Chair of Governors address is via the school, marked: **FOR THE URGENT ATTENTION OF THE CHAIR OF GOVERNORS.**

Stage 2 will be completed as quickly as possible. However, for some complaints, which are more complex, a greater length of time might well be required. In such cases, the Headteacher will provide an estimate of the time needed to complete step 1.5 of stage 2. At all times though, the school will strive to resolve matters as soon as is fair and practical all round.

Heathcoat Primary School will not pay financial compensation as a response to complaints. Insurance is a matter for parents' private arrangements and the LA where it is appropriate.

### **Complaints against the Executive Headteacher**

If the complaint is wholly or mainly about the Headteacher, then the Chair of the Governing Body will consider the complaint in accordance with Stage 3 of the procedure set out below. However, before Stage 3 is instigated, the Chair of the Governing Body will invite the Headteacher to respond to the complaint in writing within ten school days. The Chair will send a copy of the Headteacher's response to the complainant and the parent will be asked to indicate within five school days of receipt of the response whether s/he is satisfied/agrees with the response. If the parent is not satisfied/not agree with the response, then Stage 3 will commence.

### **Stage 3 : Complaint heard by the Chair of Governors**

**3.1** If a parent decides to take a complaint to stage 3 or a complaint concerning the Headteacher further, the Chair of the Governing Body will write to them to acknowledge the complaint within two school days of their receipt of the complaint. A copy of their acknowledgement and of the parent's complaint will be sent to the Headteacher and to the Clerk to the Governing Body.

**3.2 Investigating the complaint** – If the complaint has been investigated at Stage 1 and/or Stage 2, the result of the investigation must be made available to the Clerk/Chair by the Headteacher. However, where the complaint is against the Headteacher and the complaint is referred to Stage 3, the Chair of the Governing Body must decide *whether* and *how* the complaint should be investigated. A specific governor may be appointed by the Chair to deal with the complaint.

Advice can be sought from the Local Authority and the initial time allowed to complete stage 3 may possibly extended if it is an especially complex situation.

**3.3** the Chair or appointed Governor will write to the parent with the outcome of their investigation. The aim of Stage 3 should be to resolve the complaint and achieve reconciliation between the school and the complainant.

### **Stage 4 : Complaint Heard By Governing Body's Complaints Committee**

If a complaint cannot be resolved at Stage 3 it will be referred to a Committee of the School's Governors.

**4.1** Heathcoat Primary School's Governing Body has two committees that handle serious complaints and grievances. A second Committee is maintained should any appeal from the first Committee be required. The Headteacher does not serve on these committees.

**4.2** The Governors' Committee will consider the complaint on the basis of the written evidence put forward and usually also set up a hearing and hear both parties. At the discretion of the Chair of Governors, governors may also take evidence on their own initiative. Governors will reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues. However, if they decide to set up a hearing, the Committee will be guided by the procedure set out below.

**4.3** The Chair of the Committee will take a decision at the beginning of Stage 4 on whether to seek the services or advice of the Local Authority to assist with:

- dealing with the administration of the procedure;
- providing independent advice on procedure and evidence;
- ensuring that the relevant facts are established;
- making sure accurate minutes are made
- helping to draft the final decision letter

**4.4** The Clerk/Chair of the Committee will then write to explain how the review will be conducted. The letter will be copied to the parent and the Headteacher.

**4.5** The Clerk/Chair of the Committee will confirm the date of the meeting with the other governor(s).

**4.6** Both you and the Headteacher will be invited to attend the meeting. The date and time of the meeting will be convenient to the parent and Headteacher, within reason. The notification will inform the parent of his/her right to be accompanied to the meeting by a friend/representative. It will also explain how the meeting will be conducted and of the parent's right to submit further written evidence to the committee.

**4.7** The Headteacher should also be invited to prepare a written report for the Committee in response to the complaint.

**4.8** All relevant correspondence regarding the complaint should be circulated to the committee members; the parent and the Headteacher in advance of the meeting.

**4.9** If the Headteacher and/or the parent wish to call witnesses, the agreement of the Chair of the Committee should be obtained in advance of the meeting.

**4.10** It is the responsibility of the Chair to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.

**4.11** The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the Committee will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

**4.12** If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.

**4.13** The meeting should allow for:-

- the parent to explain his or her complaint and the Headteacher to explain the reasons for his or her decision;
- the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher;
- panel members to have an opportunity to question both the complainant and the Headteacher;
- either party to have the right to bring witnesses (subject to the approval of the Chair) and all parties having the right to question all of the witnesses.
- a final statement presented by the Headteacher and parent.

**4.14** The Chair of the Committee should explain to the parent and the Headteacher that the Committee will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Headteacher and any witnesses will then leave.

**4.15** The panel will consider the complaint and all the evidence presented and agree either a unanimous, or at least a majority, decision on the complaint. Where appropriate the Committee can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

**4.16** Governors will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

**4.17** The Clerk/Chair will send a written statement outlining the decision with reasons to both the complainant and the Headteacher.

**4.18** The complainant should be advised that if s/he is dissatisfied with the response s/he has the right to take the matter further by complaining to the Secretary of State for Education and Skills.

**4.19** Stage 3 should be completed in 15 school days. However, it is accepted that this timetable is likely to prove impossible for complaints which are complex. In such cases the Chair of the Complaints Committee should write to the parent giving a revised target date.

**4.20** In exceptional circumstances the Committee may decide after taking advice from the Local Authority not to proceed to consider the complaint on the grounds that the complaint has already been dealt with or is malicious.

## Summary for Dealing with Complaints

Stage 1 – Complaint heard by staff member

- Ensure complaints co-ordinator informed of outcome If not resolved, then escalate to

Stage 2 – Complaint heard by **headteacher**

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to ...

Stage 3 - Complaint heard by **Chair of Governors**

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 4 if dissatisfied

If not resolved, then escalate to ...

Stage 4 – **Governor's complaints committee** meeting arranged

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Secretary of State for Education