

UPPERBY PRIMARY SCHOOL

COMPLAINTS PROCEDURE AND POLICY



School Details

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| Acting Headteacher: | Mrs P Burns |
| Chair of Governors: | Mr W Atkinson |
| Policy Date: | October 2022 |
| Policy Review Cycle: | Bi-annually |
| Next Review Date: | October 2024 |

Overview

The procedure below fulfils the requirements of The Education Act 2002 (Section 29) for “all governing bodies to have a procedure to deal with complaints relating to aspects of the school, and any community facilities or services that the school provides.”

This procedure does not apply to (and should not be used for) statutory appeals in relation to:

- Admissions
- Exclusions
- Assessment of children with special educational needs

Similarly, it should not be used for dealing with complaints that make allegations against staff of child abuse, or relate to staff discipline or capability, where other statutory procedures apply. If a concern is brought to the attention of the school that relates to any of these matters, the school will refer to the local authority or its HR provider to ensure that the relevant statutory or local authority procedure is used.

The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using school facilities for external events. The governing body will however take reasonable steps to ensure that such providers have their own complaints procedures.

Who can raise a concern or make a complaint?

Anyone who has dealings with the school can use this procedure, whether a pupil, a parent or carer, a visitor, a neighbour, or a provider of a service to the school. If you wish to raise a concern or complain on someone else’s behalf, the school will only deal with this if the person on whose behalf you are complaining is unable to do so for themselves. If this is the case, we may be able to direct you to or obtain support from a local advocacy service, such as People First.

How will my concern or complaint be handled?

Our procedure has three stages:

1. Responding to concerns
2. Investigating complaints
3. Appeal to the governing body

At any point in the handling of your complaint, there is also the possibility of a 'resolution' meeting. The school will try to deal with your complaint as quickly as possible. If you have concerns about the time being taken, you should raise this with the Clerk to the governing body.

We expect concerns and complaints to be brought to the attention of the school as quickly as possible. Complaints notified to the school after three months from the date of any incident will usually be ruled 'out of time', unless there are exceptional circumstances.

If you report any of the concerns in the list below, we will need to refer to the local authority or other adviser to ensure that the relevant statutory or local authority procedure is used.

- the admission of your child
- the exclusion of your child
- local authority processes for assessing children with special educational needs
- allegations against staff of child abuse or other disciplinary matters

Responding to concerns

If your concern is about something that a person has or has not done, for example a member of staff, the Headteacher, a governor, or a volunteer, you should make an arrangement through the school office to discuss the concern with that person or their manager. If your concern is about an aspect of school practice or policy, you should contact the Headteacher.

We want to respond to your concern as quickly as possible, but it may not be possible to arrange an immediate meeting: an appointment within a few days may be necessary.

Please do not approach staff while they are 'on duty'.

We can reassure you that most concerns are usually resolved at this stage. We will give you a verbal response, usually within 5 school days, and may confirm this in writing.

Dealing with Complaints

If you remain dissatisfied by our response to your concern, then you should make a formal complaint in writing to the Headteacher, even if you have already met and discussed the concern. A formal complaints form is available on the school website. The Headteacher will arrange for the complaint to be investigated. If your complaint is about the Headteacher, you should contact the Chair of Governors who will arrange for it to be investigated by a nominated member of the governing body. If your complaint is about the Chair of Governors, you should contact the Clerk to the governing body, who will make the arrangement. The school needs to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher will be the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

Staff should always report any parent concerns to the head teacher at the earliest opportunity using the parent complaint form. Discussions with parents will be offered to ensure any issues can be fully resolved at the formal stage.

Framework of Principles

The complaints procedure will:

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and publicised
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling with established time-limits for action and keeping people informed of the progress
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality
- Address all the points at issue and provide an effective response and appropriate redress, where necessary
- Provide information to the school's senior management team so that services can be improved.

Investigating complaints

The complaints form is available on the school website. Complete the form giving specific details and any supporting evidence. During this stage, the person investigating the complaint (the headteacher) makes sure that they:

- Establish what has happened so far, and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them (if unsure or further information is necessary)
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and /or those complained of, allowing them to be accompanied if they wish
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of the interview

Please be aware that if your complaint alleges misconduct by a member of staff, the school must use a separate procedure which is confidential to the employer and employee. You will not normally be given details of the outcome and the right of appeal does not apply.

This process should take no longer than 20 school days. If there is likely to be a delay the investigator should contact you again to explain why and indicate a new time scale.

Resolving complaints

At each stage in the procedure the school will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or part. In addition, it may be appropriate to offer one or more of the following

- An apology
- An explanation
- An admission that the situation could have been handled differently or better

- And assurance that the event complained of will not recur
- An explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review school policies in light of the complaint

Complainants will be encouraged to state what actions they feel may resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Dealing with complaints – Formal procedures

The formal procedures will need to be invoked when the initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wished to take the matter further. The nominated member of staff to have the responsibility for the operation and management of the school complaints procedure is the head teacher (or the senior leadership team member covering for his/her absence).

The stages of complaints

There may, on occasion, be the need for some flexibility: for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the head teacher after a meeting with the complainant. Usually the following stages will be followed.

The four school – based stages are:

- Stage one – complaint heard by staff member
- Stage two – complaint heard by head teacher
- Stage three – complaint heard by Chair of Governors
- Stage four – complaint heard by GB's complaints appeal panel

If a complaint concerns the conduct of the head teacher or a governor or where a headteacher or governor has been involved in the issue previously, it will be dealt with by the chair of governors (stage 3) and then the GB panel (stage 4) if required.

Recording complaints

It is normal practice for the school to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of the meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. The head teacher is responsible for the ensuring records are kept and held centrally.

Appeals to the Governing Body

If you remain dissatisfied with the outcome of the investigation, you may appeal to the Governing Body. The Chair of Governors (Or the Clerk) will arrange for a panel of Governors to consider your appeal and respond to you with a timescale. For complaints about staff (except the Headteacher) or volunteers who work in school, this is the final stage of the complaints procedure and the panels decision is final. If you are complaining about the Headteacher, or about a member of the Governing Body and are dissatisfied with the nominated Governor's response, you have the right to appeal to a panel of Governors (not including the nominated governor who first investigated your complaint).

The letter giving you the school's decision following the investigation will tell you how to make an appeal. This is usually in writing to the clerk within 10 days of the date of the response letter. The Governing Body will arrange a panel of 3 Governors to review your complaint. After the review, the panel will notify you of their decision. This will include informing you that the school's procedure has been exhausted and that the matter is now closed. There is no further right of appeal to the school against the decision.

The appeals process should take no longer than 20 days. If there is likely to be a delay, the Chair of the appeal panel should contact you again to explain why and indicate a new time scale.

The Secretary of State

You have a separate right to complain to the Secretary of State if you believe that the Governing Body has acted unreasonably or is failing to carry out its statutory duties. Go to <https://www.gov.uk> for more details.

Ofsted

If your complaint is about a whole school issue, you have a separate right to complain to Ofsted. Contact details can be found at <http://www.ofsted.gov.uk>.

Vexatious complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the 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.

Governing Body review

The GB can monitor the level and nature of the complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the governing body will not name individuals. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to the school improvement. When individual complaints are heard, the school may identify underlying issues that need to

be addressed. The monitoring and review of complaints by the school and the Governing body can be a useful tool in evaluating a school's performance.

Publicising the procedure

There is a legal requirement for the complaints procedure to be publicised. At Upperby Primary School it will be published in the following ways

On the school website.

Monitoring and review

This policy is monitored on a day-to-day basis by the head teacher, who reports to governors about the effectiveness of the policy on request. The policy will be reviewed every two years.

This policy was written July 2018.

Third review 12th October 2022 and will be reviewed in October 2024.