

St Lawrence CE Primary School



Complaints Policy

Ref : STLAW.010
Version 4.0

This document has been reformatted to a new St Lawrence CE Primary School standard template and all version numbers have been reset, as part of the review of all policies in November 2011.

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Approval Information - Governors

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Signature	
Date	

Position	Co-opted Governor
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Signature	
Date	

Position	Co-opted Governor
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Date	

Position	Foundation Governor
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Position	Parent Governor
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Statement of policy about how complaints by or on behalf of parents and others are dealt with:

Note: This policy statement relates to complaints other than those about the curriculum or religious worship for which a separate procedure has been established by the Local Education Authority and approved by the Secretary of State. Details of this separate special procedure are available from the school office should anyone wish to make a complaint about curriculum or religious worship matters.

1. What is a complaint?

The school considers a complaint principally to be an expression of grievance or dissatisfaction received from or on behalf of a parent or member of the public regarding:-

- Action taken by or on behalf of the school.
- Failure by the school or its staff or contractors to respond to a reported problem.
- The standard of service(s) provided or discrimination in their delivery.
- The policies of the school.

2. How to make a complaint

A parent or member of the public can make their complaint in the first instance either verbally or in writing to the Head teacher.

The school, if asked, will help anyone who would like assistance to set out their complaint including access to translation services where necessary.

3. How are complaints dealt with?

It is hoped that the majority of complaints can be resolved informally either by raising them verbally, in person or on the telephone, or by putting them in writing, given or sent to the school, when they can be discussed there and them or at a mutually agreed time and a satisfactory explanation given or resolution speedily implemented.

Complaints that cannot be resolved informally will be dealt as follows:

- An acknowledgement (or final response where possible) will be sent to the complainant within five working days (i.e school term days).
- The complainant will be told the name and telephone number of the person dealing with the complaint.
- A full response will be sent within twenty working days (i.e school term days) or if a complete answer still cannot be given the complainant will be told what is being done to investigate the complaint and how long this will take.
- The complainant will be told if their complaint has to be dealt with under a separate procedure.

4. Where to go if not satisfied with the outcome

- i) Complaints not satisfied with the outcome of their complaint dealt with by the Head teacher should write to:-

The Chair of Governors – Mr Paul Evans
St Lawrence CE Primary School
Preston Upon the Weald Moors
Telford
TF6 6DH

who will arrange for the complaint to be looked into by the Governing Body's Complaints Committee. Even at this stage there is a provision within the policy for the complaint to be tried to be resolved informally and Chair of Governors may choose to try to do so in the first instance before formal referral to the complaints committee itself.

- ii) Thereafter, complaints still not satisfied with the outcome and who want to take the matter further beyond the school can write to :-

The Secretary of State for Education and Employment
Department for Education and Employment
Sanctuary Buildings
Great Smith Street
Westminster
London
SW1P 3BT

However, the LA's policy is that unless allegations relate to serious incidents of staff conduct, child protection issues or potential criminal activity it will not look into complaints about matters in schools until after the school's own complaints procedures have been fully exhausted and concerns still remain. The LA considers schools should have every opportunity to resolve complaints at local level in the first instance. The LA recognise that the majority of issues raised can only be effectively resolved at local level where, in most cases the power to take appropriate action is vested in the school rather than the LA.

5. What to do if the complaint is about the Head teacher?

Complaints about the Head teacher, that the complainant cannot or does not wish to raise directly with the Head teacher should in the first instance be sent to the Chair of Governors who will arrange for the matter to be dealt with as set out in 4 (i) above.

6. Monitoring of complaints?

An anonymous analysis of all formal complaints will be reported to the governing body regularly so that any necessary changes in the school's policies, practices or procedures can be considered and implemented.

7. School Prospectus / web site entry about complaints other than those about curriculum or religious worship

The following paragraph is recommended by the LA to be published in the school prospectus as an addition to the LA recommended entry that deals with the arrangements for making a formal complaint (to the governing body, the LA or both), under Section 409 of the Education Act 1996 about the curriculum or religious worship.

"For all other complaints or concerns parents and others are encouraged to raise them initially with the head teacher (*schools to include other names and status where appropriate*) who will be able to discuss them either there and then or at a mutually agreed time. Should it not be possible to resolve any complaint or concern satisfactorily, in this way, the complaint should be put in writing and sent or given to the headteacher. If you would like assistance in setting out your complaint the school will, if asked, help you to do this, facilitating access to translation services where necessary. The school will then deal with your complaint as follows: -

- formally acknowledge it within five school working days.
- tell you the name and telephone number of the person looking into your complaint.
- respond to it within twenty school working days or, if it is not possible to give you a complete answer, tell you what is being done to investigate and how long it is expected to take.
- tell you if your complaint has to be dealt with under a separate procedure.

If, when you have received your response, you are not satisfied with the outcome of your complaint you can write to the chair of governors (c/o the school) who will arrange for the governing body's complaints committee to consider what you still wish to say.

Thereafter should you remain dissatisfied and want to take the matter further you will be informed of who else you can write to at that time.

A full statement of the school's complaints policy can be obtained from the school.

8. Guidance on how to deal with complaints made to the Governing Body

8.1. Legal position

The Education Act 2002 requires the governing body of a maintained school, or a maintained nursery school, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised

In establishing or publicising procedures the governing body must have regard to any guidance given by the Secretary of State. The current guidance is attached in full for information.

The LA expects complainants to fully exhaust the school's own complaints procedures before involving the Secretary of State. Complainants who come to the LA either before or part way through using the school procedures will be referred back to the school. They will be told that the LA will not get involved. The only situations where the LA would consider getting involved would be where allegations related to serious incidents of staff conduct, child protection issues or potential criminal activity.

The majority of complaints are rightly matters for schools to deal with and which are likely only be effectively resolved at school or local level. Furthermore governing bodies will appreciate that in most situations, the power to take appropriate action is vested in the school rather than in the LA.

Schools should therefore, be aiming through their established procedures, to give parents and others confidence that they can and are prepared to effectively look into and satisfactorily resolve their concerns.

8.2. Written complaints procedures

A model school policy statement and entry in the school prospectus is included in this document. Model terms of reference for a complaints committee are available from the School Governance Service.

The school must also have a policy dealing with complaints about the curriculum and religious worship. This policy is prepared by the LA and approved by the Secretary of State. The guidance set out below, therefore, only has bearing on complaints relating to 'other matters'.

8.3. Complaints made to the Governing Body

Complaints will fall into two categories:

- those where the complainant has taken the matters of concern up with school staff, culminating with the head teacher but remains dissatisfied with the response received;
- those about the head teacher that the complainant does not wish to take up with the head teacher directly.

The chair of governors receiving a complaint, which in the first instance should but has not been dealt with by staff including the Head teacher, can refer the complainant to the head teacher to exhaust this process before involving the governing body complaints committee.

8.4. Procedures following receipt of a formal complaint made to the Chair of Governing Body

The chair of the governing body can, in the first instance, attempt to resolve a complaint made to the governing body informally him/herself before the formal process of referring the complaint to the governing body's complaints committee.

However if the complaint is about a member of staff and makes allegations that, if confirmed, could lead to disciplinary action the chair of the governing body should firstly contact the LA's H.R. service to discuss the most appropriate way of dealing with the complaint. If it is decided that staff disciplinary processes should be used then the school's appropriate personnel procedures should be followed. If it is decided that the matter be dealt with as a general complaint then the procedures set out below should be followed.

- Chair of the governing body refers the complaint letter to the governing body's complaints committee.
- The complaints committee initially consider the complainant's letter and then asks the head teacher to submit written comments on the points of concern raised. It is important that submissions include any witness statements or other information gathered as part of the detailed investigation. If the committee feel there are any gaps, or lack of clarity, in the information supplied the complainant / head teacher should be asked to provide further written information as required.

This is important as the complaints committee need to understand clearly the concerns expressed, ensure that the complainant is given fair treatment and be given the opportunity to fully state their case.

If the complainant's case is considered from the written account then the head teacher's comments on the points raised should also be in writing only. **It is imperative that both parties are treated equally at all times.** In some circumstances the complainant may be seen as being disadvantaged if only written accounts are submitted, and therefore both parties should be offered a 'hearing' with the complaints committee. The Secretary of State's guidance model procedure includes a 'hearing' by the governing body complaints committee.

But this is not compulsory. If a hearing is requested it is advised that the complainant and the head teacher are heard separately otherwise there is a risk that the meeting may well degenerate and thereby achieve little.

- It is also useful if complainants can be encouraged to state what actions they feel might resolve the problem at any stage. This might enable the governing body to come to a speedier, mutually acceptable, resolution.
- The complaints committee should then write a response answering all the points of concern, setting out the evidence considered, the conclusions/decisions reached and reasons for them.
- Complaints committee meetings should be held without too much delay. The school complaints policy (if the LA's guidance has been followed), requires a full response to be sent within 20 school days wherever possible or, an explanation given as to why this cannot be achieved.

8.5. How to construct the response letter

Responses should:-

- follow the 'straight bat' principle;
- be impartial;
- be civil and constructive;
- if there has been a delay in responding; apologise and give reasons for it;
- comment in a considered way upon **every** raised point of concern. If this is not done the complainant is likely to come back seeking answers to the points not responded to;
- not consider the school to be never in the wrong;
- set the record straight. Inevitably the complaint letter will have been written from one perspective only. It may help understanding for facts relating to the 'other perspective' to be clearly stated;

- describe the evidence considered;
- set out the conclusions the committee have arrived at, the decisions made and the reasons for them;
- where the complainant has stated the actions they feel might resolve the problem comment on whether or not these are feasible and, if not, the reasons why;
- where appropriate apologise for any shortcomings, particularly where misunderstandings may have arisen;
- where appropriate admit that the situation could have been handled differently or better. This is not the same as an admission of negligence;
- where it is practical to do so give an assurance that the event or situation will not recur;
- if the committee feel some action needs to be taken, include the details of what will be done and when, including an explanation of the steps that have been taken to ensure that it will not happen again;
- express satisfaction where the committee is supportive of the school's actions in relation to any matters of concern. Explain why the committee is satisfied where necessary;
- where appropriate give an undertaking to review school policies in light of the complaint;
- always try to end on a positive note by expressing the hope that the situation can now return to normal and that the child concerned can continue their education without further problem;
- include the right to take their concerns to the next stage of the complaints procedure if still dissatisfied and wish so to do.

8.6. Some standard phase that can be used in response letter

8.6.1. Opening

The complaints committee have now looked into the issues you raised in your letter of (date).

We will deal with your points of concern in the same order as raised in your letter.

8.6.2. Individual points of concern/evidence considered

"With regard to (include point of concern) we are told (or, given to understand, or, believe) that (include appropriate detail of head teacher's response setting out the school's side of the story)". (This is particularly important if the record needs to be set straight or misunderstandings are apparent).

8.6.3. Conclusion

"We are satisfied that (detail what satisfied with – e.g. "the school have acted appropriately in respect of..." or, "the action taken by the headteacher was an appropriate response to the situation" etc.) or,

"We are not satisfied that (detail committee's concerns) was acceptable action and we have issued instructions that (describe action to be taken)".

(Note: Decisions and the reasons for them must be clearly stated.)

"We have considered the action(s) you feel would help resolve the problem(s). We agree with you and will make arrangements to put the following measures in place: -

- (detail/list the action(s) to be implemented)".
Or,

"We have considered your view(s) on the action(s) you feel might help resolve the problem(s) but are agreed that (this/these) cannot be implemented for the following reasons: -

- (detail/list the action(s) with reasons why the committee consider they cannot agree with them)".

(Note: If some of the complainant's suggestions can be agreed and some not agreed then a combination of both responses will need to be constructed).

8.6.4. Apology

"We are sorry that some misunderstanding appears to have arisen over (detail the matter(s) concerned explaining the misunderstanding)"

"We are sorry that you found it necessary to have to write to the governing body over this matter".

"We apologise on behalf of the school for the problems this matter has caused you".

"We accept that the situation could have been handled (differently/ or better)".

8.6.5. Oil on troubled waters

"We feel sure that the action(s) we have outlined in this response (will/will help) ensure that this sort of issue (will not/cannot) recur".

"In the light of your complaint we will be undertaking a full review of school policies in this area".

"We hope this response satisfactorily answers your points of concern and that matters can now return to normal. You will appreciate that it is important that good working relationships exist between the school and individual parents if we are to achieve and maintain the appropriate standards of education for all the children.

We hope that (child's name) can now continue (his/her) education without further problem".

8.6.6. Taking the matter further

"Should you continue to be dissatisfied and wish to take this matter further you should write setting out your continuing concerns to the:

The Secretary of State for Education,
Department for Education,
Sanctuary Buildings,
Great Smith Street,
Westminster,
London,
SW1P 3BT."

8.7. Monitoring

All complaints should be monitored regularly by the governing body. All complaints need to be taken seriously and, after having been dealt with through the appropriate procedures, considered in light of what lessons, if any, can be learned and what action, if any, should be implemented.

Such consideration should be given at each stage in the complaints process, not just when they are referred to the governing body complaints committee

Should the complainant continue to be dissatisfied and wish to take the matter further they should write setting out their continuing concerns to:

The Secretary of State for Education
Department for Education
Sanctuary Buildings
Great Smith Street
Westminster
London
SW1P 3 BT

Appendix A - Complaints Flowchart

Time frame	Action / Process	Notes
	Complaint received	Informal stage
1 – 5 days	Informal meeting arranged between complainant and member of Leadership team of school (Head, Deputy, Chair or Vice Chair)	
	Complainant not satisfied with outcome of informal meeting	Start of Formal stage
	Formal complaint to Chair of Governors	
	Chair notifies Chair of complaints committee who confirms the date of the meeting with other governors.	Formal Stage
	Complainant and Head teacher invited to attend the meeting – the notification should inform the complainant of his/her rights to be accompanied to the meeting by a friend / representative. It should also be explained how the meeting will be conducted and of the complainants right to submit further written evidence to the committee.	
	Head teacher invited to prepare a written report in response to the complaint	
	All relevant correspondence circulated to the complaints committee ; the complainant and the Head teacher in advance of the meeting.	
	If the Complainant or the Head teacher wish to call witnesses the agreement of the committee chair should be obtained in advance.	
	The complaints meeting. The following procedures to be noted: <ul style="list-style-type: none"> • The complainant and Head teacher to present their view. • The committee to question the complainant and the Head teacher regarding the issues raised. 	
	The committee Chair should explain to the complainant and the Head teacher that the committee will consider its decision,	
No more than 20 days following the complaints committee meeting	The committee will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority decision. The decision will be finding to uphold or not uphold the complaint, or uphold some parts and not others.	
	The committee decides on the action to be taken. A written statement outlining the decision with reasons to both the complainant and the Head teacher	
	The complainant should be advised that id he / she is dissatisfied with the outcome he/she has the right to take the matter further by writing to the Secretary of State.	