



Overton St Helen's CE Primary School

PROCEDURE FOR THE HANDLING OF COMPLAINTS

Introduction

The policy of the School is to work in partnership with parents and the wider community. It is based on the belief that co-operation and a sense of joint purpose between staff and parents, ensuring open and positive relationships will assist the school in successfully educating its pupils. The school has a variety of mechanisms for gaining regular feedback from parents and carers regarding its policies and procedures, and welcomes any suggestions and comments received.

From time to time, however, parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of the School, the conduct of the Headteacher, an individual member of staff, the Governing Body or an individual governor. The School will always give serious consideration to concerns and complaints that are brought to its attention, working hard to resolve concerns and complaints quickly and to the satisfaction of both parties.

In considering concerns or complaints, the School will ensure that they are dealt with effectively and with fairness to all parties. Wherever possible, concerns will be resolved informally through open discussions. Where a concern cannot be resolved informally, the formal procedures set out below will be followed.

What is a concern?

A concern can be a report about a negative experience any child has had in school, an enquiry about a response to an incident involving a child or an expression of doubt over school policies and procedures. When a parent or carer has a concern these should be taken to the class teacher or Head Teacher initially, where he/she will endeavour to allay any worries through simple clarification or provision of information. Any concerns will be dealt with in a timely, efficient and sensitive manner to the satisfaction of all involved, and actions will be taken to ensure the circumstances causing the concern do not reoccur.

The Head Teacher will keep a confidential record of concerns brought to the class teacher or Head Teacher.

What is a complaint?

A complaint is defined as a serious expression of dissatisfaction, about the unreasonable treatment of a pupil or other person, the conduct/operation of the School, the conduct of, actions or lack of actions by a member of staff/the Governing Body/an individual governor, or an unresolved concern. It is a formal request for redress and must be put in writing.

Complaints relating to any of the following are not covered by these procedures, as separate procedures apply:

- Child Protection/Safeguarding
- Freedom of Information Access
- Functions of the County Council
- Pupil Exclusions
- School Admissions
- Services provided by other organisations on the school site or through the school
- Staff grievance
- Special Educational Needs assessment and statementing procedure
- Whistleblowing by an employee
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Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures.

Spurious Complaints

The school will, however, resist abuse of the Complaints Procedure and may reserve the right not to investigate complaints considered to be vexatious or malicious or where the Head Teacher or Chair of Governors is satisfied with the action that the school has already taken or proposes to take to resolve the original concern.

Complainants will be informed in writing if this option is decided upon.

Making a complaint - who to complain to?

If the complaint is about:

- something that has happened or failed to happen in School, contact the Head Teacher
- the actions of the Head Teacher, contact the Chair of Governors via the School
- the actions of a governor, contact the Chair of Governors via the School
- the Chair of Governors, contact the Clerk to Governors via the School
- the actions of the governing body, contact the Clerk to Governors via the School.

The School is committed to dealing with complaints as speedily as possible and would plan to complete each stage within the number of days set out clearly below. From time to time, due to the unavailability of individuals relating to or dealing with the complaint, it may not be possible for the School to complete

the process in the timescale, causing an unavoidable delay. When this occurs, the complainant will be informed of any delays and given a revised time frame.

Where complaints are made against an individual member of the School staff, that person will be informed of the complaint at the earliest opportunity.

The Complaints Procedure

If a concern cannot be resolved through discussion with the class teacher or Head Teacher and the complainant wishes to pursue it, the matter will become the subject of a formal complaint and should be put in writing and brought to the attention of the Head Teacher.

Complaints about governors should be made to the Chair of Governors.

First stage

The School will seek to resolve complaints initially with the member of staff or governor concerned and encourage the complainant to discuss with them the matters causing them to complain.

The Headteacher (or Chair of Governors) will seek to resolve the matter by:

- immediately acknowledging the complaint in writing;
- making enquiries to establish the facts;
- seeking advice as appropriate;
- feeding back all information gained during investigation to the complainant;
- establish whether or not the complainant is satisfied;
- advise complainants of the next stages if they wish to proceed to a further consideration of the complaint;
- record all conversations and minute meetings with any party involved within the investigation.

The school aims to complete this stage within 10 school days.

Should this process not resolve the issue to the satisfaction of the complainant, the complaint will proceed to the second stage. A complainant wishing to proceed to the second stage of the procedure should normally notify the Headteacher/Chair of Governors within 10 school days from the outcome of the initial stage.

The first stage will be bypassed if the complaint refers to:

- criminal activity which may require the involvement of the police
- financial or accounting irregularities
- abuse of children.

Second stage

Where an initial complaint has not been resolved to the satisfaction of the complainant by the person who has been responsible for handling the complaint so far, the complainant should indicate that they wish to have their complaint reconsidered by a second party. In regard to a complaint made about an incident in school, the Chair of Governors will handle the reconsideration of the complaint. In regard to a complaint about the Head Teacher, the Clerk to the Governors should be informed by the complainant that they wish their complaint to be further considered.

At this point, the new party handling the reconsideration of the complaint will:

- ensure the complainant is aware of the procedures set out in this document
- require a written explanation of why the complainant feels the complaint has not been resolved at the initial stage (someone else may write this on behalf of the complainant)
- formally acknowledge the further complaint
- seek advice as appropriate
- if the complaint concerns a member of staff (or governor) inform them and provide them with a copy of the complaint
- arrange for a further, full investigation of the complaint
- prepare a report as a result of the investigation and consider actions to be taken
- advise the complainant of the outcome. Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised, in writing. They should also be informed of their right to appeal to the Complaints Appeals Committee within 10 school days
- all conversations shall be recorded in writing, meetings minuted and correspondence records retained as internal documents for future reference if necessary.

This stage would normally be expected to take no more than 10 school days. The Governing Body should be informed in general terms of all second stage complaints.

If the Chair of Governors is not available, to work inside the specified time frame due to other commitments, their responsibilities will be delegated to the Vice Chair of Governors.

Complaint Appeal stage

In the event that a complainant believes that the appropriate procedures have not been followed, by the person dealing with their complaint at the second stage, the complainant may make a request to The Complaints Appeals Committee of the Governing Body to review the process and ensure that the correct procedures have been adhered to. A complaint appeal request that is based solely on the dissatisfaction of the outcome of a complaint shall not be considered and the complainant will be informed of this in writing.

Any appeal must be made in writing to the Clerk to the Governing Body. The School will advise the complainant of the contact details. The Committee will be convened by the Clerk to the Complaints Appeals Committee (Governing Body) and will:

- consider the written materials
- consider the complaint and the Head Teacher's or Chair's action
- invite the Head Teacher or Chair of Governors (as appropriate) and the complainant to the Complaint Appeal meeting
- seek advice and support as necessary.

The complainant may be accompanied by a support person during the Complaint Appeal meeting who can speak on their behalf.

At the end of their consideration the Committee will:

- determine whether to dismiss or uphold the appeal in whole or part, including, if appropriate, referring the matter back to the Head Teacher/Chair of Governors for further consideration
- where upheld, decide on appropriate action
- advise the complainant and Head Teacher of their decision
- write to the complainant with a formal response to their complaint appeal
- advise the complainant of any further action they could take if they remain dissatisfied.

The Clerk to the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the decision of the Complaints Appeals Committee and for the matter to be reported to the Governing Body.

This stage would normally be expected to take no more than 20 school days.

In cases where the matter has been referred back for further consideration the Complaints Appeals Committee will be reconvened.

Further stages

The complaints procedure does not include a further appeal to the Local Authority and in the case of Church Schools, the Diocesan/Church Authority, but complainants who remain unsatisfied with the outcome may refer the complaint to the Secretary of State for Education. Complainants may refer certain complaints to Ofsted/Her Majesty's Chief Inspector of Schools.

Withdrawal of a complaint

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

Complaints about a governor, the Chair of Governors or the Governing Body

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant. In dealing with this matter the Chair should seek advice from the Local Authority's Governor Services Team or Diocesan/Church Authority Officer.

Any appeal against the Chair's response would be dealt with by the Complaints Appeals Committee.

Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be considered by the Complaints Appeals Committee of the Governing Body. The Clerk should seek advice from the Local Authority's Governor Services or their Diocesan/Church Authority Officer. Governor Services or the Diocesan/Church Authority may be able to assist with any investigation.

The role of the Local Authority (LA) or Diocesan/Church Authority

The Local Authority or, in the case of church schools, the Diocesan Church Authority's role is prescribed by legislation. There is no further right of appeal to the Local Authority, and in the case of Church Schools the Diocesan/Church Authority.

In responding to complaints about schools the LA will explain to the complainant:

- that schools are self-managing and are responsible for administering procedures that deal with complaints made against them
- the appropriate procedures for their complaint and refer them to the Headteacher, Chair of Governors or Clerk as appropriate
- a source of potential assistance, if appropriate.

Next stages

Anyone can complain to the Secretary of State for Education if he or she believes the governing body is acting "unreasonably" or is failing to carry out its statutory duties. However, intervention can only occur if the governing body or the LA has failed to carry out a legal duty or has acted "unreasonably" in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State for Education could instruct either party to do to put matters right.

The Education and Inspections Act 2006 allows a parent who remains unsatisfied with the outcome of certain complaints to refer the matter to Ofsted.

Complaints Record

The School will maintain a written record of all formal complaints, how they were dealt with and the outcome in a complaints register.

Serious allegations or complaints

If the allegations refer to criminal activity which may require the involvement of the Police, the Headteacher should inform the Chair of Governors and seek the advice of the County Council.

If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Headteacher should inform the Chair of Governors and seek the advice of the Senior HR

Officer and/or Senior Schools Finance Officer so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities. The Scheme for Financing Schools requires the appropriate local authority finance office to be notified immediately of all such irregularities.

If the allegations relate to the abuse of children, the Headteacher should seek the advice of the Local Authority Designated Safeguarding Officer, Senior HR Officer and other agencies such as Children's Social Care. Serious allegations of this nature must be referred under Child Protection Procedures to Children's Social Care. Reference should also be made to the separate procedure "Staff Facing Allegations of Physical/Sexual Abuse".

In all the above, consideration needs to be given to the possible suspension from duty, on full pay, of any member of staff concerned in accordance with the School's Disciplinary and Dismissal Procedure. Investigations at school level and the stages set out in this procedure are unlikely to proceed where external agencies are involved. Subsequently, an internal school investigation and other procedures (e.g. Disciplinary) may be involved.

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