



Complaints Policy

<u>Approved by Governors and staff</u>	<u>September 2019</u>
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Signed: Gareth Powell
Chair of Governors

Policy on Complaints

1 Introduction

- 1.1 We strive to provide a good education for all our children. The Headteacher and staff work very hard to build positive relationships with all parents. However, the school is obliged to have procedures in place in case there are complaints by parents or guardians. The following policy sets out the procedures that the school follows in such cases.
- 1.2 If any parents are unhappy with the education that their child is receiving, or have any concerns relating to the school, we encourage them to talk to the child's class teacher immediately.
- 1.3 We deal with all complaints in accordance with procedures laid down by the LA. If the school itself cannot resolve a complaint, those concerned can refer the matter to the Chair of Governors or LA.
- 1.4 All parents have the right, as a last resort, to appeal to the Secretary of State for Education, if they still feel that their complaint has not been properly addressed.

2 Aims and objectives

- 2.1 Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints, and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child above all else. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

3 The complaints process

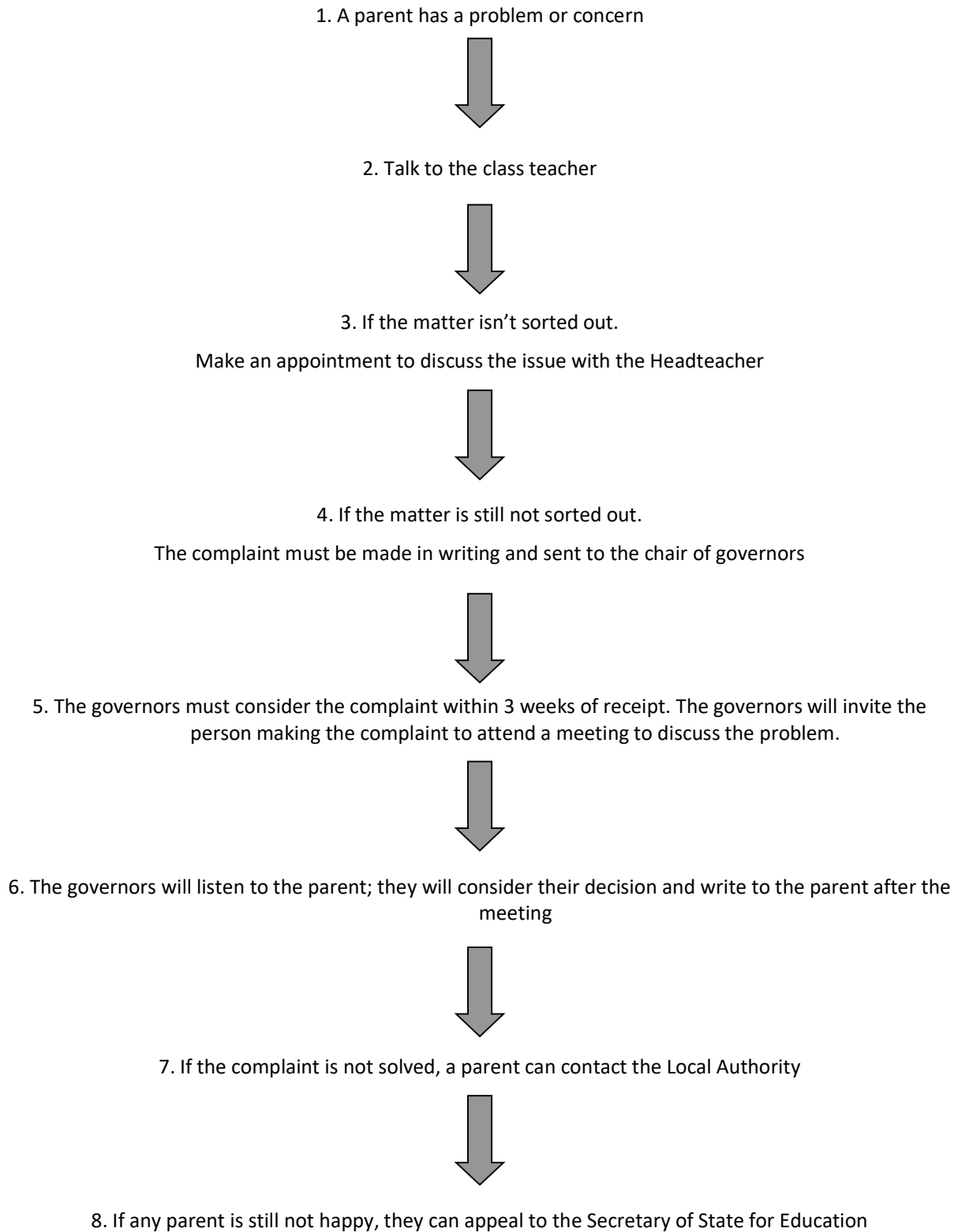
- 3.1 If a parent is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher. In our experience, most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress.
- 3.2 Where parents feel that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Headteacher. The Headteacher considers any such complaint very seriously, and investigates each case thoroughly. Most complaints are normally resolved by this stage.
- 3.3 Should any parents have a complaint about the Headteacher, they should first make an informal approach to one of the members of the governing body, who is obliged to investigate it. The governor in question will do all s/he can to resolve the issue through a dialogue with the school, but if parents are unhappy with the outcome, they can make a formal complaint, as outlined below.
- 3.4 Only if an informal complaint fails to resolve the matter should a formal complaint be made to the governing body. This complaint must be made in writing, stating the nature of the complaint, and how the school has handled it so far. The parent should send this written complaint to the chair of governors.
- 3.5 The governing body must consider all written complaints within three weeks of receipt. It will arrange a meeting to discuss the complaint, and will invite the person making it to attend the meeting, so that s/he can explain the complaint in more detail. The school gives the complainant at least three days' notice of the meeting.
- 3.6 After hearing all the evidence, the governors will consider their decision and inform the parent about it in writing. The governors do all they can at this stage to resolve the complaint to the parent's satisfaction.

- 3.7 If the complaint is not resolved, a parent may make representation to the LA. Further information about this process is available from the school or from the LA. A further meeting is chaired by an independent person, who considers all the evidence and makes a further judgement in an attempt to resolve the complaint.
- 3.8 If any parent is still not content that the complaint has been dealt with properly, then s/he is entitled to appeal to the Secretary of State for Education.

4 Monitoring and review

- 4.1 The governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. The Headteacher logs all complaints received by the school, and records how they were resolved. Governors examine this log on an annual basis.
- 4.2 Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process.
- 4.3 This policy will be reviewed every two years, or before if necessary.

How to make a complaint at Neston Primary School.



COMPLAINTS PROCEDURES

At Neston Primary School we always strive to maintain high standards in every aspect of your child's care and education. If however, you feel that this is not being achieved, we would always encourage you to come in to school to discuss the matter with us. If you are not satisfied with the manner in which it is handled, we would ask that you follow our complaints procedure. This document covers all matters relating to the actions of staff and application of school procedures, except matters which are subject to separate procedures (e.g. curriculum, exclusions, admissions etc).

GENERAL PRINCIPLES

- There are three different stages of the complaints procedure depending upon who or what the complaint is about. These are:-
 - A. Complaints about actions of a member of staff other than the Headteacher.
 - B. Complaints about the actions of the Headteacher
 - C. Review Process by members of the governing body
- Complaints addressed to the Chair of the Governing Body or the Chair of the Appeals Committee should be in writing to the School.
- It is in everyone's interest that complaints are resolved at the earliest possible stage and that the procedure is designed to ensure that, wherever possible, an informal resolution is achieved.
- To allow for proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than three months after the event being complained of will not be considered, save in exceptional circumstances.
- Investigation of any complaint will begin within 5 days of receipt, save in exceptional circumstances. The investigation will be completed as soon as is reasonably practical.
- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

PART A:
COMPLAINTS ABOUT THE ACTIONS OF A MEMBER OF STAFF OTHER THAN THE
HEADTEACHER.

1) Informal stage

A complaint should initially be brought directly to the member of staff concerned. This may be by letter, by telephone, but ideally in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved at this informal stage. In the case of serious concerns, it would be appropriate to address them directly to the Headteacher. An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith.

2) Formal stage

If the complaint is not resolved at the informal stage, then the complaint must be put in writing and passed to the Headteacher who will be responsible for its investigation. The written complaint must include details which will assist the investigation, such as names of potential witnesses, dates, times, events and copies of relevant documents. In addition, the Headteacher may meet the complainant to clarify the complaint.

The Headteacher will collect other evidence that they deem necessary. Where this involves an interview with a member of staff who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish. The investigation will begin as soon as possible and when it has been concluded the complainant, and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures etc, but details of the investigation or any disciplinary procedures will not be released.

The complainant will be told that consideration of their complaint by the Headteacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant can then request that the governing body review the process followed by the Headteacher in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome by the Headteacher and include a statement specifying any perceived failures to follow the procedure.

If the complainant considers that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Headteacher under Part B of this procedure.

PART B:

COMPLAINING ABOUT THE ACTIONS OF HEADTEACHER

1) Informal stage

The complaint should be brought directly to the Headteacher. In the case of serious concerns it may be appropriate to raise them directly with Chair of the governing body. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as mediator at a further meeting. An unreasonable refusal to accept an informal resolution may result in the procedure being terminated forthwith.

2) Formal stage

- If the complaint is not resolved at the informal stage the complaint must be put in writing and passed to the Chair of the governing body, who will determine whether the complaint is 'general' and will arrange for its investigation.
- The written complaint must include details which may assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents. In addition, the complainant will be invited to meet with the chair to present oral evidence or clarify the complaint.
- The Chair of Governors will collect other evidence that is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.
- The Headteacher will be provided with a copy of the complaint and any additional evidence. Once there has been an opportunity to consider the complaint, the Headteacher will be invited to meet separately with the Chair, in order to present written and oral evidence in response.
- The Headteacher may be accompanied at this meeting by a friend or representative.
- When the investigation has been concluded, the complainant and the Headteacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.
- The complainant will be told that consideration of the complaint by the Chair is now concluded.
- If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the governing body review the handling of the complaint by the Chair. Any such request must be made in writing addressed to the Chair of the Appeals Committee at the school, within 2 weeks of receiving notice of the outcome from the Chair and include a statement specifying any perceived failures.

PART C

REVIEW PROCESS

- Any review of the process followed by the Headteacher or the Chair will be conducted by a panel of 3 members of the governing body.
- Review is normally conducted through consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.
- The panel will first receive written evidence from the complainant.
- The panel will then invite the Headteacher or the Chair, as appropriate, to make a response to the complaint.
- The panel will have access to records kept of the process followed.
- All parties will be informed of the outcome of the process in writing. This may be to the effect that:
 - There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
 - The concern is not substantiated by the evidence.
 - The concern was substantiated in part or in full, but that the procedural failure did not affect the outcome significantly so that the matter is now closed.
 - The concern was substantiated in part or in full and the governing body will take steps to prevent a recurrence or to rectify the situation where practicable.

The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.

If a complainant believes that the governing body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education and Skills.

APPENDIX 1

CARRYING OUT AN INVESTIGATION INTO A FORMAL COMPLAINT

- The investigation of an allegation or a complaint will always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.
- Where the Headteacher or Chair of Governors receives a complaint, it will be acknowledged formally and a commitment made that the complaint will be investigated and the outcome notified to the complainant in due course. The form in Appendix 2 should be completed for all formal complaints as the starting point for any investigation.
- The member of staff against whom the complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.
- It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant.
- Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.
- The complainant and the member of staff should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.
- The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.
- Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.
- Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.
- In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewees to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to 'lead' them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

- Interviewees should, however be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to other issues should be resisted.
- The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.
- A summary of the process undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post. A model letter of notification of decision regarding parental complaint is attached as Appendix 3 and should be used to give consistency of procedure.
- Any recommendations should also be shared with all parties, unless there is good reason not to. Wherever possible, recommendations should be constructive and not punitive.
- The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the governing body. A model letter of review outcome notification is attached as Appendix 4 and should be used to give consistency of procedure.
- There could be times when vexatious complaints are made, where the complaints are unreasonable and are not seeking to have a situation remedied but are determined to extract retribution for some real or imagined wrong. In these circumstances it is recommended that the model letter in Appendix 5 is used to draw the vexatious complaint to a reasonable conclusion.

APPENDIX 2

NESTON PRIMARY SCHOOL COMPLAINT FORM

Please complete this form and return it to the headteacher / Clerk to Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:			
Relationship with school (e.g. parent of a pupil on the school's roll):			
Pupil's name (if relevant to your complaint):			
Your address:			
Daytime telephone number:			
Evening telephone number:			
Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:			
You may continue on separate paper, or attach additional paperwork, if you wish.			
Number of additional pages attached:			
What action, if any, have you already taken to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)			
What actions do you feel might resolve the problem at this stage?			
Signature:		Date:	
School use			
Date Form received:			
Received by:			
Date acknowledgement sent:			
Acknowledgement sent by:			
Complaint referred to:			
Date:			

APPENDIX 3

MODEL LETTER OF NOTIFICATION OF DECISION REGARDING PARENTAL COMPLAINT

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will consider this decision

OR

- The concern is not substantiated by the evidence in that.....

OR

- ☐ The concern was substantiated in part/full, asThe school will review its practices/procedures.....with the intention of avoiding any recurrence. Parents will be informed in due course of any policy changes.

OR

- ☐ In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress. If however you believe that the manner of the process undertaken was not in accordance with the procedure outlined in Appendix 1 you can request that the governing body review the process. In this instance the request must be made in writing within 2 weeks of the date of this letter to the Chair of the Appeals Committee at the School.

Yours truly

Headteacher

Or Chair of Governing Body

APPENDIX 4

MODEL REVIEW OUTCOME NOTIFICATION

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the General Complaints Procedure was followed appropriately in respect of your complaint in that.....

Therefore, the matter is now closed as far as the school is concerned.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Headteacher / Chair of Governors followed the General Complaints Procedure except.....

Therefore, the following action will be taken.....

Once this action has been completed the school will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Headteacher / Chair of Governors followed the General Complaints Procedure except that.....

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours truly

Chair of Complaints Review Panel

cc Headteacher

Chair of Governors

APPENDIX 5

MODEL RESPONSE TO VEXATIOUS COMPLAINANT

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the governing body's General Complaints Procedure as:
[please select appropriate wording from the following]

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may take advantage of the procedure outlined in Part C of the complaints procedure, by writing to the Clerk to the Governing Body.

Yours sincerely

Headteacher

Or Chair of Governing Body