



# Capel Primary School



## Complaints Policy

Next Review Due: Summer 2015

## **COMPLAINTS PROCEDURE**

Capel Primary school places a high value on good relationships with the community it serves. A complaints procedure is seen as a positive means of monitoring that relationship. It is important that parents feel that their voices will be listened to and their concerns dealt with promptly and correctly.

It is also recognised that a well run complaints procedure can be a means of the school identifying situations that may need changing. It is an integral part of the development of the school.

It will sometimes be helpful to look behind the complaint for underlying causes as these can be just as important as the complaint itself.

The following document sets out the procedure that will be followed at Capel in dealing with (a) Statutory and (b) Non-Statutory Complaints.

### **a) Statutory Complaints**

First it is recognised that certain kinds of complaint lie outside the scope of an individual school's policy. These are designated "statutory" complaints and cover the following area:

#### **Admissions**

The LEA has responsibility here, and any procedure adopted must be operated within their guidelines. This applies to PESE assessment and arrangements for placement at selected schools.

#### **Awards**

This concerns free school meals and clothing grants.

#### **Child Protection**

The statutory investigating agencies are the Social Services Department and the Police. The school's responsibility is to trigger the appropriate procedure rather than investigate the issue.

#### **The Curriculum and R.E.**

RE and Collective worship are in accordance with Kent Agreed Syllabus (REAct). Complaints procedures outlined in Education Act.

#### **Exclusions**

The exclusions policy is set down in "Exclusions of Pupils" – and other national guidelines, and the Procedure is clearly set out in the schools behaviour policy and behaviour ladder.

#### **Finance**

Complaints should be referred to the Area Principal Accountant

#### **Health and Safety/Safeguarding**

The Governors have statutory responsibilities for Health & Safety and Safeguarding and the Head Teacher and School Business Manager are the officers in charge of the premises, Health & Safety and Safeguarding. Formal complaints should be dealt with

within the County Council's "Framework for Health and Safety". Serious accidents must be reported to the Health and Safety Executive. Health and Safety procedures are dealt with according to our Health and Safety Policy.

### **Home to School Transport**

Complaints are dealt with by the Transport Team in the Area, Admissions and Transport (Operations Division).

### **Legal Matters**

School must alert the LEA immediately concerning complaints which might lead to formal proceedings.

### **Personnel**

Disciplinary and grievance matters must be dealt with within the County Council procedures. These take account of statutory requirements and arrangements with professional associations.

### **Additional Educational Needs**

If the normal process within the school for dealing with complaints fails then a formal complaint should be referred to the LEA.

### **b) Non-Statutory Complaints**

In the day to day running of the school there will, from time to time, be complaints. Most of these will be of an informal nature, be easily resolved and will not require prolonged action. Many concerns are forms of enquiry by the parent to establish the facts in a situation and in that context should have a positive reception from the staff. These might involve for example:

- concerns about progress in school
- indiscipline
- unfair treatment
- misunderstandings
- lack of information.

### **How to raise concerns or to make a complaint about the school**

#### **If you have a concern or complaint**

We would like you to tell us about it. We welcome suggestions for improving our work in school. Be assured that no matter what the problem is, our support and respect for you and your child in school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem that happened some time ago.

#### **What to do first**

Most concerns and complaints can be sorted out quickly by speaking with your child's form tutor or head of year. Any teacher or member of the administrative staff can put you in contact with the right member of staff.

If you have a complaint that you feel should be looked at by the Headteacher in the first instance you can contact him/her straight away if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling into the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

### **What to do next**

If you are dissatisfied with the initial response or you do not want to discuss the matter informally, you can make a formal complaint. This will need to be in writing. Contact the school office if you need help to put your complaint in writing.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors now. Contact details are available from the school office or on our website.

You may also find it helpful at this stage to have a copy of the full statement of the school's Complaints Procedure as this explains in detail what processes are followed. This is available from the school office and on the school website.

The Headteacher will ask to meet you to discuss the problem. Again you may take a friend or someone else with you if you wish. The Headteacher will arrange for a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

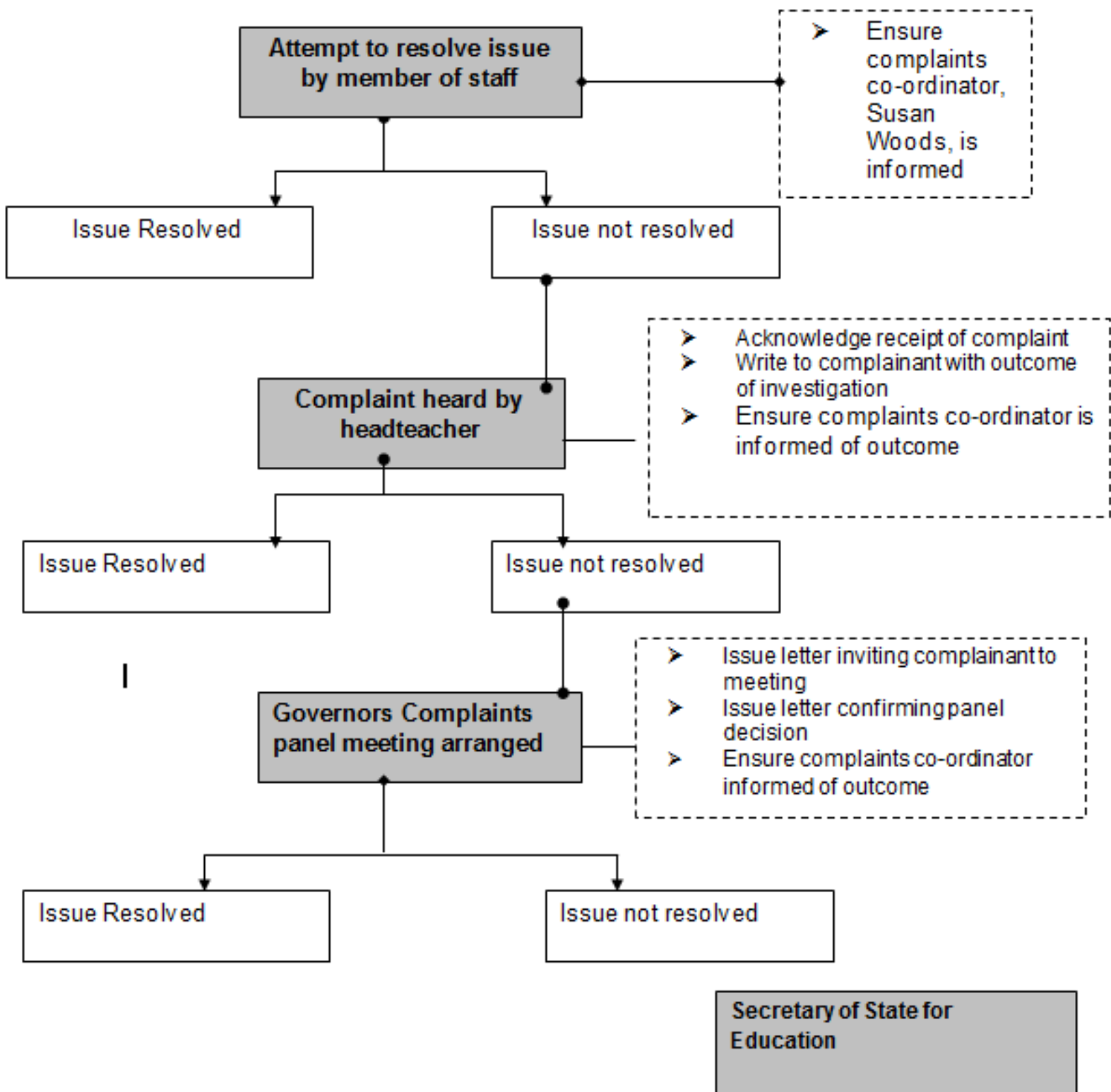
### **If you are still unhappy**

Most complaints are resolved at this stage. However, if you are still not satisfied you have the right contact the Chair of the Governing Body to ask for a referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be given a fresh assessment. You will be invited to attend and speak to the panel at a meeting that the Headteacher will also attend. The Complaints Procedure explains in more detail how these meetings operate.

### **Further Action**

Complaints about school problems are almost always settled within schools but if they remain unresolved they can be referred to the Secretary of State for Education. The Department for Education will expect the complaint to have been considered by the school governors first. There is more detail in the full Complaints Procedure, on the school's website or on the Department for Education website ([www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints)).

### Flowchart of complaints



## Complaints Procedure

In order to investigate your complaint as fully as possible the governing body has staged process. Most issues are sorted out informally and we would recommend that you try this approach first. However, if you feel that there is nothing to be gained and you wish to make a formal complaint you have the right to go straight to stage 1 of the complaints procedure.

### Resolving concerns informally

- 1.1. Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure them that the school wants to hear about it. Parents should be advised from the outset that there is a complaints procedure that they can use if the matter cannot be resolved. The member of staff may explain to the parent how the situation happened. It can be helpful at this point to identify what sort of outcome the parent is looking for.
- 1.2. If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name and contact address or phone number.
- 1.3. All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been dealt with.
- 1.4. If the matter is brought to the attention of the Headteacher s/he may decide to deal with the complaint. If the complaint is against the Headteacher the parent will be advised to contact the Chair of the Governing Body.
- 1.5. The member of staff dealing with the concern will make sure the parent is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.
- 1.6. While it is often a helpful way to resolve problems more quickly, a parent or pupil is not required to pursue informal ways to address complaints but has the right to make a formal complaint at any time.

### Complaints Procedure Stage 1: investigation by the Headteacher

- 2.1 Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can expect help to put their complaint in writing.
- 2.2 The Headteacher (or designated person) will acknowledge the complaint in writing within three working days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will

be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of 20 working days unless it is a particularly complex issue.

- 2.2 The Headteacher will provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.
- 2.3 If necessary the Headteacher will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed unless this is judged not to be in the interests of the pupil's welfare. Pupils should normally be interviewed with parents/guardians present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.
- 2.4 The Headteacher will keep written records of meetings, telephone conversations and other documentation. He/she may also seek confidential support from the Chair of Governors.
- 2.5 Once all the relevant facts have been established as far as possible, the Headteacher will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of Governors within 20 working days of receiving the letter.
- 2.6 If the complaint is against the Headteacher, or if the Headteacher has been closely involved in the issue, the Chair of the Governing Body will carry out all the Stage 1 procedures.

## **Stage 2: Review by the Governing Body**

- 3.1 The Chair of the Governing Body will write to the complainant to acknowledge receipt of the written request for the governing body to review the complaint. The acknowledgement will inform the complainant that three members of the school's governing body will hear the complaint within 20 working days of receiving the complaint. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.
- 3.2 A meeting of the Governors' Complaints Panel will be convened. No governors with prior involvement in the issues complained about will be included on the panel and it may be necessary to use reserves (previously agreed by the Governing Body) to ensure the Panel can meet within the set time.



Governors should bear in mind the advantages of having a parent governor on the panel, and will also be sensitive to issues of race and gender. The Headteacher will not sit on the Panel. An experienced governor will chair the panel meeting.

- 3.3 The Chair of the panel will ensure the Panel hears the complaint within twenty working days of receiving the letter. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.
- 3.4 The Chair or clerk will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
- 3.5 The Headteacher will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All attendees including the complainant should receive a set of the relevant documents including the Headteacher's report and the agenda, at least five working days prior to the meeting.
- 3.6 Submission of additional documents or requests for additional attendees will be at the discretion of the Chair of the panel.
- 3.7 At the panel hearing:
- The complainant will have the opportunity to present their complaint.
  - The Headteacher will explain the school's position.
  - Those present will have the opportunity to ask questions.
  - Panel members will have the opportunity to ask questions of the complainant and the Headteacher.
  - The Headteacher will be given the opportunity to make a final statement to the panel.
  - The complainant will be given the opportunity to make a final statement to the panel.
  - The chair will ask the complainant if he or she feels they have had a fair hearing.

The Chair of the Panel has responsibility to ensure that the meeting is properly minuted.

- 3.8 The Chair of the Panel will explain to the complainant and Headteacher that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.
- 3.9 The Panel will then consider the complaint and all the evidence presented and
- Agree a decision on the complaint;



- Decide upon the appropriate action to be taken to resolve the complaint; and
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

3.10 A written statement clearly setting out the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should also advise how to take the complaint further.

3.11 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

### **Stage 3 The Secretary of State**

4.1 If a complainant wishes to go beyond the governors' complaints panel, they should be advised to contact the Secretary of State for Education. More information is available at [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints).

**Complaints form**

**Appendix D**

Please complete and return to ..... who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint her	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
<i>For Office Use only</i>	
Date acknowledgement sent	By Whom
Complaint referred to:	Date: