

KEA COMMUNITY PRIMARY SCHOOL



Complaints Policy

This policy was developed and adopted Autumn 2015

The policy will be reviewed on 1 December 2019

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INTRODUCTION.

The school is legally responsible for dealing with the majority of complaints. The purpose of this procedure is to lay out how complaints will be dealt with by the school. It is important to note that the LA and Diocesan Authority only have the lead role in investigating complaints in the circumstances laid out in Appendix 3. Set procedures have to be followed for each of these. Please note that immediately that a complaint, informal or formal, that potentially relates to a child protection issues should be dealt with under the **child protection procedures** and not the complaints procedure. The child protection procedures can be seen at: <https://www.safechildren-cios.co.uk/health-and-social-care/childrens-services/cornwall-and-isles-of-scilly-safeguarding-children-partnership/>

The school governors must ensure that complaints are investigated thoroughly and fairly and that complainants are given a response within a reasonable time-scale.

Children as well as parents have legitimate rights to express concerns or to make complaints, but maturity and understanding will vary from child to child. Therefore, the school will consider a complaint on its merits. Please note that a person does not have to be a parent or a pupil of the school to make a complaint. Please also note that anonymous complaints cannot be examined under a complaints procedure.

Governors have an important role to play in considering complaints. However, it is important for parents to understand that individual governors must not investigate complaints outside this procedure.

It is recommended that schools appoint a complaints officer/coordinator (this can be the headteacher) to ensure that the complaints procedures are delivered and monitored satisfactorily.

Stage 1. - Informal Resolution.

Many enquiries and concerns can be dealt with satisfactorily by the class-teacher, the headteacher or other members of staff, without the need to resort to a formal procedure. The school values informal meetings and discussions.

There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion. However, if the face to face discussion seems unlikely to resolve matters, then proceed to the next stage of the procedure.

It is important to note that any complaint that relates to a [diversity issue](http://eal.cornwall.gov.uk/school-support/governors/guidetothelaw/chapters1-5/chapter4/diversityflow.pdf) will also be recorded on the diversity incident report form. In addition to this guidance, the LA has produced a flowchart covering the stages that need to be followed when dealing with a diversity issue. This can be seen in appendix 4 at: <http://eal.cornwall.gov.uk/school-support/governors/guidetothelaw/chapters1-5/chapter4/diversityflow.pdf> . Please note that this flowchart details how to support the pupil or member of staff subject to the diversity incident. The actual complaint still requires to be dealt with under the complaints procedures.

Stage 2 - Formal Written Complaints.

Where it has not been possible to resolve a complaint by way of informal discussion, the complainant should set out the precise nature of the complaint on the model pro forma (see appendix 1) and return this to the headteacher. The school governors will not be involved at this stage. However, if the headteacher or a governor is the subject of a complaint, the complainant should send the form directly to the chair of governors (in accordance with the additional guidance laid out in Appendix 2). If a complaint against the headteacher is received by the headteacher, then s/he will pass it on to the chair of governors immediately.

Should a complaint be about a general matter, the headteacher may be able to respond immediately, e.g. if it only requires an explanation of school policy. For most other complaints, which are likely to relate to specific actions or events, there is likely to be a need for further investigation in order to clarify the facts. The headteacher or their nominee will normally undertake this investigation. However, the headteacher may feel that to proceed to Stage 3 (below) is the best course of action, depending on the circumstances. The chair of governors will then convene a meeting of the governor panel (stage 3 below).

Should the complaint involve an allegation of a potentially serious criminal nature, the headteacher or the chair of governors will immediately inform the Director of Education, Arts and Libraries so that the allegation can be recorded and the school advised about further action.

Complaints with respect to the conduct of a member of staff will be dealt with in accordance with the additional guidance laid out in Appendix 2. A meeting will be arranged between the complainant and the headteacher (or relevant person) but this will not automatically include any member of staff named in the complaint.

All formal complaints that are received will be recorded in the school and acknowledged within 5 school days. Investigations at this stage should normally be completed within 20 school days of receipt of the complaint, unless there is an ongoing child protection investigation, or where the staff disciplinary procedure is involved or another exceptional circumstance. The school will aim to send a formal response within 5 school days of the completion of the investigation. This gives a target of 5 school weeks for the completion of this stage of the procedure. Please refer to Appendix 2 for the different timescales involved with complaints regarding the headteacher or a governor.

In the letter conveying the outcome of the investigation, the complainant should be informed of the process for referral to the chair of governors if they wish to take their complaint further. Should the staff Disciplinary procedures or child protection procedures have been started then the complainant will be notified that other processes are being followed. Any notification shall be confidential to protect the member of staff.

The complainant may wish to proceed to consideration of the complaint by the governors as set out below. It is up to the complainant to make this decision within two weeks of being informed of the outcome of the stage 2 investigation unless there are exceptional reasons why this is not possible. It is up to the chair of governors to decide if there are any such circumstances.

Stage 3 - The Governing Body.

In all cases where the headteacher is unable to resolve a complaint to the satisfaction of the complainant, the complainant should write to the chair of governors for the matter to be considered. All complaints that reach this stage will be recorded on existing records where available and acknowledged within five school days.

A panel of three governors must be convened by the chair of governors and given the task of checking over the facts of the case. Individual governors have no powers to investigate a complaint outside the complaints process. If necessary, a meeting with the complainant should be held in order to reach an appropriate solution.

The panel will normally review the investigations carried out under stage 2 and will decide whether or not any further investigation should be undertaken. However, in most cases where an investigation has been previously carried out, the panel may decide only to consider the evidence already presented. Where complaints have been referred directly to stage 3 (relating to the headteacher or a governor), the panel will undertake the initial investigation.

Investigations at this stage should normally be completed within 15 school days of receipt of the complaint, unless there is an ongoing child protection investigation or where the staff disciplinary procedure is involved or another exceptional circumstance. The school will aim to send a formal response within 5 school days of the completion of the investigation. This gives a target of 4 school weeks for the completion of this stage of the procedure.

Following the stage 3 investigation, the panel will decide on one of two outcomes:-

1. Recommend that appropriate remedial action necessary to resolve the complaint be undertaken, or
2. Confirm that all internal investigative measures have been exhausted and uphold the original response.

The decision of the governors' panel will be communicated in writing to the complainant within five school days of the meeting. The decision is confidential to the complainant and to the governing body. The panel will report all outcomes of their investigations to the governing body.

Stage 4 - Referral to the Local Education Authority (LA) or the appropriate Diocesan Authority.

If, after exhausting internal school procedures (stages 1 – 3), complainants consider that their complaint has not been investigated fairly, they can request, in writing, that the LA or the appropriate Diocesan Authority reviews how the school handled the complaint. This review will determine if the complaint was dealt with in a reasonable and fair manner. It will **not** investigate the original complaint. The LA or Diocesan Authority will acknowledge this request within five school days and will normally complete the review within 15 school days. The addresses for correspondence are:

Director of Education, Health and Social Care
Cornwall Council
New County Hall,
Truro,
Cornwall
TR1 3AY
0300 1234 100

Diocesan Director of Education (Church of England)
Diocesan House
Kenwyn
Truro
TR1 1JQ

Director of Schools
Roman Catholic Diocese of Plymouth
Cardinal Newman House
Wonford Rd
Exeter
Devon
EX2 4PF

In all cases of Church of England and Roman Catholic voluntary aided and voluntary controlled schools, it is important that the appropriate Diocesan Director is in first receipt of the complaint but they will, of course, discuss all complaints with relevant staff of the LA such as attached inspectors and advisers to particular schools.

Stage 5 - Appeals to the Secretary of State or the Ombudsman.

Finally, complainants have a right of appeal to the Secretary of State for Education. In such cases, the Department of Education and Skills (DfES) will examine the complaint and adjudicate. The DfES has the power to require the LA or Diocesan Authority to take certain actions, including the issuing of instructions to the School Governing Body. It should be pointed out that the members of staff also have the same right of appeal.

If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, this can be referred to the Local Government Ombudsman.

Please note that the Ombudsman can look into complaints about how something has been done, but she/he cannot question what has been done simply because the complainant does not agree with it. The relevant addresses are:

The Secretary of State for Education
Department for Education, Ministerial and Public Communications Division
Piccadilly Gate
Store Street
Manchester

M1 2WD

ministers@education.gsi.gov.uk

0270 000 2288

The Local Government Ombudsman

PO Box 4771

Coventry CV4 0EH

<http://www.lgo.org.uk/contactus/>

Complaints Form. Appendix 1 of the Complaints Policy.

Please complete and return to (school) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if applicable):

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

**What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?**

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Additional Guidance on Complaints Regarding Staff. Appendix 2 of the Complaints Policy.

A member of staff, who is the subject of the complaint, would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force involving the Social Services and Police.

The following procedure will be followed to investigate complaints about the conduct of members of staff.

- i. If, at any time during the investigation, there is a prima facie case for disciplinary action, the school's disciplinary procedure must be followed and no further action taken under the complaints procedure. This also applies where child protection procedures are being followed.
- ii. It may be advisable to meet with the complainant, before the investigation, in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.
- iii. If a formal investigation is required, then the school will adhere to the following principles:-
 - (a) If a member of staff is the subject of a complaint, he/she will be given a copy and advised to contact their trade union or professional association for advice and support.
 - (b) The member of staff will be advised that a 'friend' or trades union representative may accompany him/her at any subsequent interview or hearing.
 - (c) The complaint will be treated as an allegation only, during the investigation stage.
 - (d) The headteacher will invite all parties, (including witnesses), to provide written statements as part of the investigation.

Additional guidance on Formal Complaints about the Headteacher or a Governor.

Formal complaints about a headteacher or a governor will be referred directly to the chair of governors. The chair of governors should acknowledge the written complaint in writing within 10 school days. The letter may include brief details of the terms of the investigation and the role of the governors in resolving the complaint. However, should the chair consider it appropriate, a complaint about the headteacher will be referred immediately to the Director of Education, Arts and Libraries or the appropriate Diocesan Authority.

Depending on the nature of the complaint, the chair of governors may need to interview the headteacher/governor and obtain witness statements. Once the chair has completed the investigation, a written response will need to be sent to the complainant outlining briefly the results of the investigation and the course of action taken by the chair of governors. The letter should also indicate the next stage in the process if the complainant remains unhappy with the outcome.

Areas Where the LA has Responsibility. Appendix 3 of the Complaints Policy.

- i. Complaints about the curriculum and the provision of collective worship and religious education.
- ii. Complaints about the LA's assessment of a child's special educational needs.
- iii. Appeals against refusal to admit a child to the parent's preferred school.
- iv. Appeals against exclusions although an appeal to the governing body will be involved in the earlier stages.

Details of the procedures for these complaints are available from the LA.