

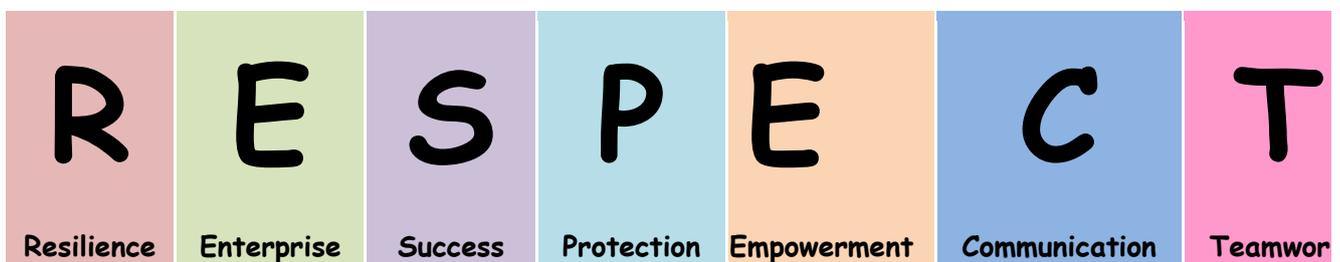


St Ann's Junior & Infant School

Complaints Procedures Policy

St Ann's Junior and Infant School Vision

As a Rights Respecting School our vision at St Ann's is to promote **RESPECT** in everything we do... in school, Rotherham and beyond.



Introduction

This policy is intended as a good practice guide, applying to most general complaints which the school is likely to receive from parents. It also meets the Circular 6/94 requirement to have a school policy about complaints concerning SEN provision within the school.

It is not intended to cover those aspects of school life for which there are specific statutory requirements: in particular, arrangements under s409 of the Education Act 1996 for complaints about the delivery of the National Curriculum and the provision of collective worship and religious education (though St. Ann's J & I School has a special determination from SACRE relating to Collective Worship). Parents who are not satisfied with an LEA's decision about special needs assessments may appeal to the SEN Tribunal. Concerns about schools admissions and exclusions also have specific appeal rights.

In addition allegations of child abuse, financial improprieties or other criminal activities will be dealt with through different procedures, as will complaints about contracted staff.

Some complaints about general matters of policy, such as the overall resourcing of a school, would also need to be dealt with differently.

Signed by:



Headteacher

Date: 07.05.19



Chair of governors

Date: 07.05.19

Stage 1: The First Contact: Guidelines for Dealing with Concerns and Complaints Informally

- The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or school secretary or Headteacher. Depending on whom the parents first approach.
- Parents are able to raise concern with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent.
- At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

Procedures at Stage 1:

- Parents have an opportunity for discussion of their concern with the appropriate member of staff, who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.
- If the member of staff first contacted cannot immediately deal with the matter, s/he makes a clear note of the date, name, contact address or phone number

- Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent (in the first instance this will be the Head teacher. It will be his/her decision to delegate the matter to another person, if appropriate).
- If the concern relates to the Headteacher, the parent is advised to contact the Chair of the Governing Body.
- The staff member dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.
- Where no satisfactory solution has been found within 10 days, parents are asked if they wish their concern to be considered further. If so they are given clear information, both orally and in writing, about how to proceed and about any independent available to them.

Stage 2: Referral to the Headteacher for Investigation

- At this stage it has become clear that the concern is a definite complaint. In some cases the Headteacher as already been involved in looking at the matter; in others it is his/her first involvement.
- In either case, it is helpful for the Headteacher (or the person delegated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage, which could make it difficult for later stages to proceed smoothly.
- The Headteacher has responsibility for the day-to-day running of the school and has responsibility for the implementation of a complaints system, including the decisions about his/her own involvement at various stages. One of the reasons for having various “stages” in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person.
- The Headteacher will make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example arrangements may be made for other staff to deal with parents’ concerns at stage 1, while the Headteacher deals with contacts with parents at stage 2.
- Even at that stage the Headteacher may designate another member of staff to collect some of the information from various parties involved. In some cases,

Headteachers may be so involved at stage 1 that stage 2 has to be carried out by the Chair of the Governing Body.

Procedures at Stage 2:

- The Headteacher (or designate) acknowledges the complaint orally or in writing within 3 working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. This should normally be within 10 working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.
- The Headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement information provided previously. It is made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.
- If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. Pupils may be interviewed with parents/guardians present. In some situations, circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that parent/guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable may be asked to attend. If a member of staff is complained against, the needs of the person should be borne in mind.
- The Headteacher (or designate) keeps written records of meetings, telephone conversations, and other documentation.
- Once all the relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complainant to discuss/resolve the matter directly.
- A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take in an

attempt to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within five weeks of receiving the outcome letter.

- If a complaint is against the action of a Headteacher, or if the Headteacher has been very closely involved in stage 1, the Chair of Governing Body should carry out all the Stage 2 procedures.

Stage 3: Review by the Governing Body

- Complaints only rarely reach this formal level. At this stage, schools will seek advice from any relevant authority e.g. LEA, Board of Education (C of E) or Diocesan Schools' Commission (RC). This can provide a useful "outside view" on the issues.
- It is important that this review not only be independent and impartial but that it be seen as so. Therefore, individual complaints will not be considered by the full governing body as serious conflicts of interest can arise; for example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and governors may be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly some governors might have previous knowledge of the problem which led to the complaint and would be unable to give unfair biased consideration to the issue.
- Many complaints are inevitably seen by parents as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have to be done so because the complainant has not been satisfied by the Headteachers response at the earlier stages of the procedure, and it may be appropriate for the Governing Body to consider the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

Procedure for review by the Governing Body at Stage 3:

- Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below will be followed.
- The Clerk to Governing Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the school's Governing Body within 20 working days of receiving the complaint. The letter should 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.
- The Clerk to the Governors should arrange to convene a Governors' Complaints Panel elected from members of the Governing Body.
- The Panel members should be governors who have had no prior involvement with the complaint. Generally it is not appropriate for the Headteacher to have a place on the Panel. Governors will want to bear in mind the advantages of having a parent (who is also a governor) on the Panel. Governors will also attempt to be sensitive to issues of race, gender and religious affiliation.
- The Chair of the Complaints/Curriculum sub-committee will ensure that the complaint is heard by the Panel within 20 working days of receiving the letter in 3.5. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to Panel members.
- The Chair of the Complaints/Curriculum sub-committee will write and inform the complainant, Headteacher, any relevant witnesses, and members of the Panel at least 5 working days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
- The Chair of the Complaints/Curriculum sub-committee should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher may also invite members

of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned – including the complainant – at least 5 working days prior to the meeting.

- The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.
- It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.
- The aim of the meeting should be resolve the complaint and achieve a reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.
- The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures the proceedings are as informal as possible.
- If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- The meeting should allow for
 - the complainant to explain their complaint and the Headteacher to explain the school's response
 - the Headteacher to question the complainant and the complainant to question the Headteacher and/or other members of staff about the school's response
 - Panel members to have an opportunity to question both the complainant and the Headteacher
 - any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
 - final statements by both the complainant and the Headteacher.

- The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider its decision, and written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.
- The Panel will then consider the complaint and all the evidence presented and (a) reach an unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.
- 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 4: Beyond the School

- The LEA has a role to play in respect of school-specific complaints as an *arbitrator* who can *meditate* between the complainant and the school. Rotherham Metropolitan Borough Council has its own general complaints procedure by means of which complaints are initially handled by the department. **This general procedure is not however appropriate for those complaints made in respect of the internal affairs of the school which remain wholly the responsibility of the School's Governing Body. Such complaints should be dealt with by the Headteacher and the Governing Body of the school concerned.**
- The LEA's Complaints Officer is able to attend meetings between complainants and schools as an independent mediator. **It must be understood and made clear however to the complainant that any decision reached by the Governing Body is final and binding; further referral through the LEA or the Council's general complaints procedure is unable to be actioned.**

- **The Local Government Ombudsman** investigates complaints about the alleged maladministration of Local Authority Services. As such a complaint about the way in which the LEA operates its general school complaints procedure could, theoretically at least, be referred to the Ombudsman. The Ombudsman does, however, not look at internal school management matters and expects all complaints to have exhausted local arrangements for the consideration and disposal of complaints prior to investigating any matter within its jurisdiction.
- The Secretary of State for Education and Employment can receive complaints under Section 496 of the Education Act, 1996, on the grounds that a Governing Body or LEA is acting or is proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LEA has failed to discharge its duties under the said Act. The Secretary of State may contact the Governing Body or the LEA for more information in order to consider the complaint further. These powers relate to County Schools and Voluntary Schools and Grant- Maintained School and City Technology Colleges.

**STAGE ONE:
INFORMAL**

Expression of concern to member of staff

Satisfactory outcome reached?

No

Yes

No further action

STAGE TWO:

**1.1.1.1.1 HEADTEACHER'S
INVESTIGATION**

Complainant makes written complaint to Headteacher

Investigation conducted and reported to complainant

Satisfactory outcome reached?

No

Yes

No further action

**STAGE THREE:
GOVERNORS
REVIEW**

1.1.1.1.2

Complainant makes formal complaint to Governing Body
Complaints Panel

*Panel meeting of Governors Complainant and
Headteacher attend*

Satisfactory outcome reached?

No

Yes

No further action

**STAGE FOUR:
BEYOND THE SCHOOL**

1.1.1.1.2.1

Complainant/School requests involvement of LEA

Satisfactory outcome reached

No

Yes

No further action

Complainant appeals to
Ombudsman/Secretary of State

