

**Heaton St. Barnabas' CE (VA) Primary School**

# **Complaints Policy and Procedure**

***This policy was approved by Staffing Committee***

**On: 15<sup>th</sup> July 2022**

**Chair of Staffing & Finance Committee**



## Heaton St. Barnabas' C.E.(V.A.)Primary School

### COMPLAINTS POLICY AND PROCEDURE

#### Introduction

The governors of Heaton St.Barnabas CE Primary School are committed to ensuring that the highest standards are maintained at the school both in the provision of education to pupils and in every other aspect of the running of the school. A complaints procedure is an important part of the management of a well-run school allowing parents and others the opportunity to voice any concerns they may have through appropriate channels. This policy explains the procedure which has been adopted by the governing board to ensure a timely, systematic and fair approach to the resolution of such concerns.

We recognise the need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. In most cases, a class teacher or an individual delivering the service will receive the first approach. Our staff development process includes training to help staff resolve issues on the spot, including apologising where necessary.

Our formal procedures are invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

(See appendix A.)

Certain complaints, for example, about SEN provision should follow the SEN procedures. Any complaints by staff should be addressed under the school's grievance procedure.

A complaint may result in disciplinary action by the school against a member of staff and this would be confidential between that member of staff and the school, but otherwise complainants will be kept fully informed of the handling of any complaint. Any complaint will be kept confidential, unless it is necessary to involve other parties, and will be dealt with as quickly as possible.

If a complaint is investigated according to the school's policy but not to the satisfaction of the complainant, who then tries to reopen the same issue, the chair of the governing board will inform them in writing that the procedure has been exhausted and that the matter is now closed. However, if the complainant raises an entirely new, separate complaint, it will be dealt with in accordance with the school's complaints procedure.

Members of staff recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However, all instances of unacceptable behaviour such as harassment, aggressive verbal or physical abuse at any time will be documented and this may result in the complaint being dealt with only through written communication thereafter.

## Objectives and targets

To be effective our complaints procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised, including to third parties who hire school premises.
- Be simple to understand and use.
- Be impartial.
- Be compliant with the school's obligations under the Equality Act 2010.
- Be non-adversarial.
- Allow swift handling with established time-limits for action and keeping people informed of the progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect for confidentiality and privacy of all parties involved.
- Address all the points at issue and provide an effective response and appropriate redress, where necessary.
- Provide information to the school's senior management team so that services can be improved.

## Action plan

At Heaton St.Barnabas CE Primary School, the Headteacher has overall responsibility for the operation and management of the school complaints procedure. In practical terms, the headteacher will nominate a senior member of staff as complaints co-ordinator to deal with matters on a day-by-day basis and hold records relating to any complaints received. The name of this member of staff is readily available from the school office or from any member of staff. Complaints from anyone who is not a parent of a pupil currently attending the school, should be addressed to the headteacher in the first instance.

It is expected that attempts will be made to resolve difficulties informally with the class teacher, Phase leader, DHT before being referred to the headteacher. The informal stage of the procedure will be exhausted before the matter is referred to the formal stages and a complaint form issued (see appendix B). If any substantial complaint is made to a member of staff by a parent it will be referred to the line manager or headteacher, as appropriate, if it cannot be resolved immediately by the member of staff to the satisfaction of the parent.

Whenever a formal complaint is received it will be investigated. At each stage, the person investigating the complaint (the complaint co-ordinator), makes sure that they:

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contact them (if unsure or further information is necessary).

- Clarify what the complainant feels would put things right.
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Conduct the interview with an open mind and be prepared to persist in the questioning.
- Keep notes of the interview.

### **Stages in the procedure**

There are three stages in the school's complaints procedure. See appendix A for a flow chart. At each stage in the procedure, we will remain mindful of ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology.
- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that the event complained of will not recur.
- An explanation of the steps that have been taken to ensure that it will not happen again.
- An undertaking to review school policies in light of the complaint.

We encourage complainants to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred because this can create a positive atmosphere in which to discuss any outstanding issues.

#### **Stage 1 – informal**

In this stage, the class teacher will deal with the complaint. Most parents' concerns can be adequately resolved by discussion with the class teacher or with other members of staff. There may be no need for the complaint to be put in writing, which would formalise matters and may lead parents to feel less prepared to articulate concerns. Depending on the circumstances, Key Stage leaders may be involved at this stage. The concern together with action taken should be logged on CPOMS and recorded in the parental complaints file at this stage. If the complainant is not satisfied with the outcome and wishes to take the matter further, then the head teacher is informed and stage 2 is implemented.

#### **Stage 2 – Formal**

If the concern is not met to the parents' satisfaction by discussion, then the initial recipient of the complaint should refer the matter to the Deputy Head Teacher or Head Teacher. It may be appropriate at this stage for the complaint to be put in writing.

The Headteacher, or another designated member of the senior management team, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation.

If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.

If a complaint concerns the conduct of the head teacher or a governor, or where the head teacher or governor has been involved in the issue previously, then the matter will be referred to a senior member of staff or a member of the governing body not previously involved. In some circumstances, the school reserves the right to refer the matter to an external body e.g: where is not possible to use a member of staff or governor a 3<sup>rd</sup> party member, suitably qualified will be used.

The head teacher or designated member of staff will respond to the parent with the outcome of the investigation, normally within 10 school working days of receipt of the substance of the complaint. The response may be in writing or at a meeting with written confirmation of the outcome.

The parent must be informed of his or her right to have the matter referred to the governors' complaints panel if the outcome of the informal stage is not satisfactory within 5 working days. Any such request by a parent should be addressed to the clerk to the governors and the matter becomes a formal complaint.

The log on CPOMS or file should be updated with actions added.

### **Stage 3 – formal**

Where a complainant is not satisfied with the outcome of a complaint which has been dealt with informally as above the complaint may be referred to Stage 3.

When the clerk receives a formal request for the governors to consider a complaint, the clerk will refer the matter in the first instance to the chair of governors or another nominated governor. He or she will investigate, may speak to the parties involved and will prepare a written statement of findings to be submitted to the parent. The parent must be informed of the right to refer the matter to the governors' complaints panel if he or she is not satisfied with the outcome.

If a hearing is requested, the clerk will write to the parent, the head teacher and the chair of governors giving details of the meeting, requesting copies of any documents to be put before the meeting and the names of any witnesses that either party may wish to attend. The parent will be informed of the right to be accompanied by a friend. The hearing should be on reasonable notice and be held as soon as practicable after receipt of the referral.

The procedure at the hearing (See appendix B – checklist for a panel hearing) needs to be appropriate for the circumstances and is at the discretion of the chair of the governors' complaints panel but is likely to involve:

- Presentation of the complaint.
- A reply by the head teacher or governor.
- Questioning by all parties.

- Representation about ways to resolve the complaint satisfactorily.

If necessary, the panel will withdraw to consider their findings of fact on the evidence put before them and their conclusions, which may include measures to redress problems identified. The panel's decision is final. If, despite following appropriate procedures the complainant remains dissatisfied, or tries to reopen the same issue, the chair of governors will inform them in writing that the procedure has been exhausted and that the matter is now closed. The only redress the complainant may take at this stage is to refer the matter to the Education Secretary since the right to appeal to the Local Government Ombudsman was repealed in the Education Act 2012.

### **Time-limits**

Complaints are considered, and resolved, as quickly and efficiently as possible. Heaton St.Barnabas School sets realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits may need to be set and the complainant sent details of the new deadline and an explanation for the delay.

### **Recording complaints**

The progress of any complaint and the final outcome will be recorded by the complaint co-ordinator. A complaint may be made in person, by telephone, or in writing or email. At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

### **Publicising the policy and procedure**

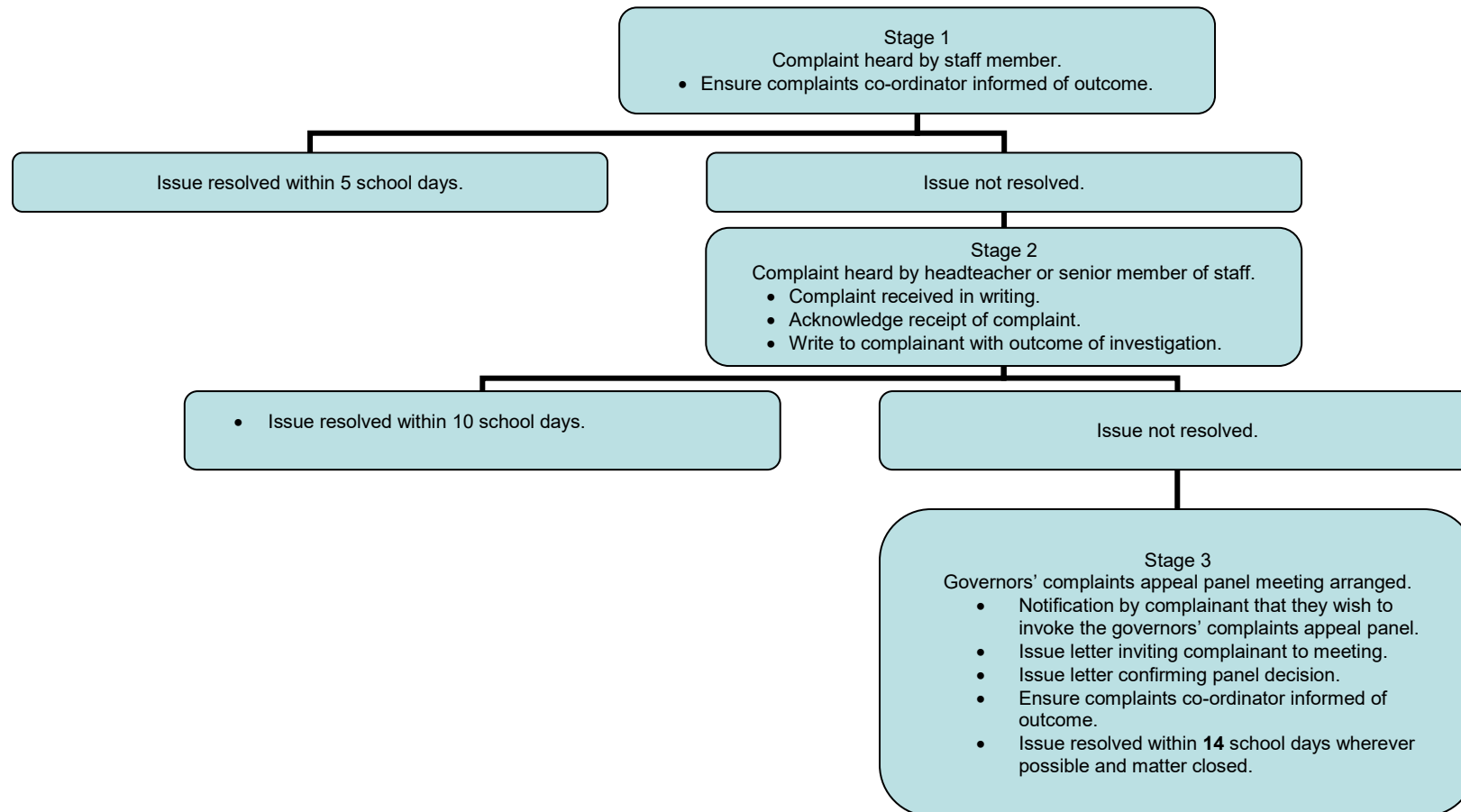
Details of the school's complaints policy and procedures are included, as appropriate, in:

- The information given to new parents when their children join the school.
- The school website.

## **Monitoring and evaluation**

The governing body will monitor the level and nature of complaints using the records kept by the complaints co-ordinator. Wherever possible, complaints information shared with the whole governing body will not name individuals. The school is committed to on-going improvement. Therefore as well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, we will identify any underlying issues that need to be addressed. The monitoring and review of complaints by the school and the governing body helps us in evaluating our performance.

## APPENDIX A: FLOWCHART FOR THE COMPLAINTS PROCEDURE



If there is no resolution after stage 3, the complainant will be advised of how to take their complaint further if they so wish.

## **APPENDIX B: CHECKLIST FOR A PANEL HEARING**

The governors' complaints appeal panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.
- Where appropriate to hold the meeting offsite.