

ST MARTIN'S GARDEN PRIMARY SCHOOL COMPLAINTS POLICY



Rationale

St Martin's Garden Primary School aims to work in partnership with parents in the best interests of the children. Any complaint will be given careful consideration and will be dealt with fairly and honestly.

We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

Actions before making any complaint

This complaints procedure is not intended to replace the normal informal discussions that take place between parents/guardians, staff and the Headteacher in School, on problems and concerns as they arise. Most issues can and should be resolved through this dialogue. These concerns might include such matters as your child's work or progress, relations with staff, relations with other pupils including bullying, or your child's personal welfare.

The first point of contact regarding concerns should always be the class teacher. All staff are available at the end of the school day.

When meeting with the teacher to raise your concerns, please be patient, the teacher may need time to perform an investigation or put corrective measures in place and then determine their effectiveness. This informal stage may require several meetings to reach a conclusion satisfactory to all parties. Discuss desired actions for the school and parent/guardian, timescales, and further meetings during your appointment.

If a complainant feels that a concern has not been solved through discussions with the teacher, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Headteacher should be made. The parent should indicate that the appointment is regarding a complaint.

Referral of complaints

The majority of formal complaints against the school(s) will fall within the remit of the Governing Body to consider. However, there are five categories of complaint which the Local Authority People and Communities Service has responsibility for, not the Governing Body:

- Admission to the school
- Statutory Assessment of special educational needs
- Exclusion of pupils from the school
- Child protection related issues or allegations of child abuse
- Any complaint about the action of the Governing Body

In any of these five categories, your complaint must be sent directly to the Local Authority. A list of the correct persons to address the complaint to is given at the end of this policy (**Appendix 1**).

General principles regarding any complaint

The following principles will apply to any complaint:

- The complaint will be handled with care and sensitivity.
- All stages of the complaints procedure will be investigatory rather than being Confrontational.
- Confidentiality will be respected at all times
- Responses to any complaint will be prompt (timescale guidelines are detailed below)
- The Complainant will be given adequate feedback and kept informed of timescales
- The Complainant will be kept informed of the options to appeal during the process
- Any investigation will be thorough and fair
- Any investigation will address all the points at issue

If any Governor is contacted directly by a parent regarding a complaint then that Governor will refer the parent to this complaints procedure. Individual Governors cannot act unilaterally by investigating a complaint or making any prior judgement about it. The Governor can only refer the parent to the class teacher, the Headteacher or the Chair of Governors as appropriate.

If the complaint is one that may result in disciplinary or legal action against the Headteacher, or the complaint is regarding the Headteacher, then the complaint should immediately be escalated to Stage 2 via a letter to the Chair of Governors as described below.

If at any stage of a complaint it becomes apparent that the Complainant is seeking some financial compensation then any investigation will be halted whilst advice is sought from the Principal Solicitor, Legal Services.

If an anonymous complaint is received, or the Complainant requests anonymity, then the Complainant will be urged to identify themselves in the interests of fairness and of dealing effectively with the complaint. However if the anonymous complaint is of a sufficiently serious nature then the Headteacher or Chair of Governors will decide whether action is appropriate.

If an anonymous complaint raises child protection issues then the complaint will be referred immediately to the Local Authority.

The Complainant should not attempt to bypass steps in the complaints procedure. The Local Authority is unable to deal with complaints under the remit of this procedure and if there is escalation to the Secretary of State before the formal school procedures have been exhausted it will result in the Complainant being referred back to the school's procedure by the Secretary of State.

Timescale Guidelines

Where it is not possible to respond to a complaint within the stated guidelines the Complainant will be informed in writing of the reason for the delay and given an anticipated response date.

Stage 1 (Informal) - Teacher

The complaint will be dealt with by the class teacher unless they or the Headteacher are the subject of the complaint. This would normally take two weeks. The Class teacher may consult with their team or senior leader during this process.

Stage 2 (Formal) Investigation by Head/Member of the Leadership Team (where Head is not part of or subject of the complaint)

If a complainant feels that a concern has not been solved through discussion with the teacher, or that it is of a sufficiently serious nature, then he/she should set out, in writing to the Headteacher:

- a) The precise nature of the complaint; and
- b) What he/she considers should be done to resolve the matter.
(A complaint form is available from the School Office Manager, please contact them for a copy)

If the Headteacher cannot resolve the complaint at the initial meeting then the school may carry out an investigation of the complaint. It will be the Headteacher's responsibility to decide who should conduct the investigation. This may be the Headteacher or may be a member of the Senior Leadership Team, but it will be the Head who will make the decision on what action should be taken.

On completion of the investigation, when all relevant persons have been given the opportunity to give their response, the Headteacher will send a formal response to the complainant. This step of the investigation should normally be completed within four to six school weeks from the receipt of the written complaint.

The Headteacher will make written notes throughout the investigation. The notes will include details of the complaint, how it was dealt with, by whom and the outcome. In the event of the complaint proceeding to the appeal stage, these notes will be made available to the Complaints Appeal Panel.

If following discussions between the Headteacher and the Complainant, and any relevant investigation by the Head, the issue cannot be resolved to the Complainant's satisfaction, then the Headteacher will advise the Complainant that they may make a formal complaint to the Governing Body, by putting the complaint in writing to the Chair of Governors within 20 school days.

Stage 2 (Formal) – Investigation by Governors (where Head is part of or subject of the complaint).

Where the complaint involves the Head then the complaint can be referred to the Chair of Governors who will make the decision whether it should be investigated by

two governors at this stage. The timescale for this should normally be four to six weeks and the procedure is in line with what is mentioned above.

Stage 3 (Formal) – Appeal to Governors

The complainant should write to the Chair of Governors if they feel their complaint remains unresolved under the earlier stages. When the Chair of Governors has received a formal appeal, a panel of two or three Governors will be convened to hear the complaint, and make a decision about it on behalf of the Governing Body. The Governors appointed to the panel will have had no previous involvement in the complaint or have a conflict of interest.

The primary function of the Complaints Appeal Panel is to decide on the merits or otherwise of the complaint. However, the panel will also play an important role in attempting to resolve the complaint. The panel will reach a decision on whether the complaint is upheld or rejected and may call for certain action to be taken by the school or the parents.

The Appeal Panel will consider written evidence from the previous stages. The Complaints Panel will then meet with all parties to the complaint, formally and separately. The Complainant may be accompanied by a friend who can speak on their behalf if necessary. The procedure for each meeting will be as follows:

- Introductions will be performed by the Chair of the Complaints Panel
- The Complainant makes a statement of their complaint and the outcome sought
- The panel will question the Complainant
- The Complainant may make a final statement

There should be a similar discussion with other relevant parties about their response to the issues raised.

The meetings will be minuted. Care will be taken in identifying a clerk. This will normally be the Clerk to the Governors. It may be appropriate for a member of staff such as the school secretary to act as clerk, although consideration will be given to the sensitivity of the particular complaint.

The decision reached by the panel will be notified in writing to the Complainant and other relevant parties. It will also be reported back to the next meeting of the full governing body. Only a brief summary to the full governing body will be provided, with no detailed or named information. This will ensure that any further actions will not be jeopardised.

Written replies to Complainants will aim to answer all the points of concern, be factually correct, avoid jargon, and tell the Complainant what to do next if they are still not satisfied. It may be appropriate for a nominated complaints governor to telephone the Complainant regarding the outcome. However this will always be followed up with a letter to make sure there is no misunderstanding.

When a formal complaint is received by the Chair of Governors, a letter of acknowledgement and a request for written evidence will be sent to the Complainant

within 5 school days. All other parties to the complaint will receive a letter outlining the complaint and requesting written evidence. The letters will detail the Governors involved in the Complaints Panel and the nominated Chair. Any written evidence should be sent to the nominated Chair of the Complaints Panel. Following the conclusion of the complaints meetings with all parties, the panel will provide a written response to the complainant and this will normally be within 4 school weeks of receiving the appeal.

Stage 4 Appeal to The Secretary Of State

If the complainant has exhausted the School's own complaints process and doesn't consider the complaint to be resolved then finally, a complaint may be made to the Secretary of State for Education if a person believes that a Governing Body is acting "unreasonably", or is failing to carry out its statutory duties properly (see Sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the Governing Body has failed to carry out a legal duty or has acted unreasonably in the performance of a duty under certain legislation. You should include all relevant documentation including correspondence.

Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable governing body, acting with due regard to its statutory responsibilities, would have reached that decision. The Secretary of State cannot do anything until the school has finished looking into the complaint. Any appeals should be sent either by completing the online complaint form or writing to the following address

Secretary of State for Education
Sanctuary Buildings
20 Great Smith Street
Westminster
London. SW1P 3BT

Monitoring and review

The Governing Body will review this complaints policy every four years. The Headteacher will log all formal complaints received by the school and will record how they were resolved.

Governors will examine the complaints log on an annual basis and will consider the need for any changes to the procedure.

Staff disciplinary procedures/child protection issues

It may be necessary to suspend the complaints procedure in respect of a complaint which indicates that there may be a need for a disciplinary investigation in respect of a member of staff or that child protection procedures need to be followed. Advice from the Local Authorities HR Team and School Improvement and Achievement Team will be sought. The Complainant will be notified that the complaints procedure has been suspended and the likely timescale for its reactivation.

St Martin's Garden Primary School



Complaint form

Please complete and return to Cindy Harris, Office Manager, who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

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:

**Contact Details for complaints for which the Local Authority People and
Communities Service has responsibility**

Admission to the school

Officer in charge, Admissions & Transport

Admissions & Transport Unit
Bath & North East Somerset Council,
Lewis House
Manvers Street
Bath. BA1 1JG
Tel. 01225 394312
E Mail Admissions_Transport@bathnes.gov.uk

Statutory Assessment of special educational needs

Statutory Special Educational Needs Manager

Statutory Special Educational Needs Service
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath. BA1 1JG

Tel. 01225 394306

Exclusion of pupils from the school

Officer in Charge, Children Missing Education

Children Missing Education Team Exclusion
Lewis House
Manvers Street
Bath. BA1 1JG

Tel. 01225 394454
exclusions@bathnes.gov.uk

Child protection related issues or allegations of child abuse

Head of Safeguarding Assurance and Quality

Strategy and Commissioning
Bath and North East Somerset Council
Lewis House
Manvers Street
Bath. BA1 1JG

Tel 01225 396974

Any complaint about the action of the Governing Body

Head of Governor Services

Governor Services
People and Communities Department
Lewis House
Manvers Street
Bath. BA1 1JG

Tel 01225 395103