



**Hollybush Primary School**

*“Inspiring all learners to achieve”*



**S14 – COMPLAINTS POLICY**

**Persons Responsible – HEADTEACHER & GOVERNORS**

**Date of Policy: MARCH 2016**

**Reviewed and amended by: AJM & EH**

**Next Review Due: FEBRUARY 2017**



## Hollybush Primary School



*“Inspiring all learners to achieve”*

### COMPLAINTS POLICY

This policy statement sets out the school’s approach to dealing with parental concerns and complaints. Further details of how we handle them are contained in our School Complaints Procedure document which you can obtain on request from the school office.

We value good home/school relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.

We welcome feedback on what parents feel we do well, or not so well, as a school. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.

We treat all concerns and complaints seriously and courteously and will advise parents and others of the school’s procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils.

All school staff and members of the governing body will receive a copy of this policy statement and will be familiar with the school’s procedures for dealing with parental concerns and complaints, to which they will have access as required. The policy is available on request to parents.

The school’s procedures will be reviewed regularly and updated as necessary.

Staff and governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups, such as the office staff or members of the governing body.

Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all the stages of the school’s procedures have been exhausted, if this appears to be appropriate.

The government and the Local Authority (LA) advocate resolution of parental concerns and complaints at school level wherever possible, in the interests of maintaining good home/school relations. The role of the LA in advising parents and schools on the handling of concerns and complaints is set out in the school’s procedures.



## Hollybush Primary School



*“Inspiring all learners to achieve”*

### **Complaints Policy - procedures**

The majority of concerns from parents, carers and others are handled under the following general procedures. The procedure is divided into three stages;

**The informal stage** aims to resolve the concern through informal contact at the appropriate level in school.

**Stage one** is the first formal stage at which written complaints are considered by the head teacher or the designated governor, who has special responsibility for dealing with complaints.

**Stage two** is the next stage once stage one has been worked through. It involves a complaints appeal panel of governors.

How each of these stages operates is explained below:

#### **Informal stage – your initial contact with the school**

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child’s class teacher.
2. Once your concern is made known to us, we will see you, or contact you by telephone or in writing, as soon as possible. If it is necessary, all members of staff know how to refer to the appropriate person with responsibility for your particular issues. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. Any actions or monitoring of the situation that has been agreed will be communicated clearly and we will confirm this in writing to you.
4. If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.
5. We will normally update you on the progress of our enquiries within 10 school days. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

#### **Stage One – Formal consideration**

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined above.

1. Normally, your written complaint should be addressed to the head teacher. If, however, your complaint concerns the head teacher personally, it should be sent to the school marked “for the attention of the chair of governors”.
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three school days.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond in full within 15 school days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The head teacher, or chair of governors may also be accompanied by a suitable person if they wish.



## Hollybush Primary School



### *“Inspiring all learners to achieve”*

7. Following the meeting, the head teacher, investigating officer or chair of governors will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
8. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
10. The head teacher or chair of governors will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give an explanation of the head teacher's or chair of governors' decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point. Please see the next page for further information about this process.
13. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to stage two, as described below.

#### **Stage two - consideration by a governors appeal panel**

- If the complaint has already been through stage one and you are not happy with the outcome as a result of the way in which the complaint has been handled, you can take it further to a governors' appeal panel. This is a formal process, and the ultimate recourse at school level.
- The purpose of this arrangement is to give you the chance to present your arguments in front of a panel of governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.
- However, the aim of a panel is not to rehear the complaint. It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations which will reassure you that we have taken the complaint seriously.

The governors' appeal panel operates according to the following formal procedures:

1. The governing body will convene a panel of three governors and will aim to arrange for the panel meeting to take place within **20 school days**.
2. You will be asked whether you wish to provide any further written documentation in support of your appeal.
3. The head teacher or complaint investigator will be asked to prepare a pack of the documentation related to the investigation and the outcome for the panel. The panel can request additional information from other sources if necessary.
4. You will be informed, at least **five school days** in advance, of the date, time and place of the meeting. We hope you will feel comfortable with the meeting taking place in the school but we will do what we can to make alternative arrangements if you prefer.



## Hollybush Primary School



### *“Inspiring all learners to achieve”*

5. With the letter, you will receive any relevant correspondence or reports regarding stage one and you will be asked whether you wish to submit further written evidence to the panel. Any additional documentation should be submitted prior to the review panel meeting.
6. The letter will explain what will happen at the panel meeting and that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. If it is necessary in the interests of the ratifying the investigative process, the complaint investigator may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting.
8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy as the minutes are the property of the governing body. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
11. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes.
12. During the meeting, you can expect there to be opportunities for:
  - a. the panel to hear you explain your case and your argument for why it should be heard at stage two;
  - b. the panel to hear the complaint investigator's case in response;
  - c. you to raise questions via the chair;
  - d. you to be questioned by the complaint investigator through the chair;
  - e. the panel members to be able to question you and the complaint investigator; and
  - f. you and the head teacher/complaint investigator to make a final statement.
13. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the head teacher **within three school days**. All participants other than the panel and the clerk will then leave.
14. The panel will then consider the complaint and all the evidence presented in order to:
  - a. reach a unanimous, or at least a majority, decision on the case
  - b. decide on the appropriate action to be taken, if necessary; and
  - c. recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.



## Hollybush Primary School



### *“Inspiring all learners to achieve”*

15. The clerk will send you and the head teacher a letter outlining the decision of the panel. The letter will also explain that you are entitled to have the handling of the complaint reviewed by the Secretary of State for Education.
16. We will keep a copy of all correspondence and notes on file in the school’s records but separate from pupils’ personal records.

#### **Closure of Complaint**

- Very occasionally, a school and/or the LA will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.
- We, and the LA where appropriate, will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant’s wishes. Sometimes it is simply a case of “agreeing to disagree”.
- If a complainant persists in making representations to the school – to the head teacher, designated governor, chair of governors or anyone else – or to the LA, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
- For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process. The LA will support us in this position, and especially where the complainant’s action is causing distress to staff and/or pupils.
- In exceptional circumstances, closure may occur before a complaint has reached stage two of the procedures described in this document. This is because a complaints panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of investigating the complaint.
- The chair of governors may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward.

Where you have been through the school’s internal complaints procedures (with or without recourse to a complaints review panel) and are still unhappy with the outcome or decision from the governing body, you can contact the Secretary of State for Education via the DfE website

[www.education.gov.uk](http://www.education.gov.uk), by telephoning 0370 000 2288 or by writing to the address below:

The School Complaints Unit (SCU)  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Please enclose with your letter to the DfE a copy of the complaint outcome. This will save time in that the DfE will not need to ask for our view of what has happened.

We would advise parents that unless the school is shown to have behaved unreasonably or not to have followed their own procedures, there is likely to be little further action that can be taken, as governing bodies are empowered to deal with many issues without reference to either local authority or secretary of state.



## Hollybush Primary School



*“Inspiring all learners to achieve”*

### **Other sources of information and advice**

If your concern is about an aspect of **special educational needs provision**, which might include information about relevant voluntary organisations and support groups in Leeds, you might like to talk to Leeds SEND Information Advice Service (Leeds Special Educational Needs and Disability Advice Support Service) on their helpline:0113 3951222



**Hollybush Primary School**



*“Inspiring all learners to achieve”*

**Complaints Policy – Feedback Form**

**Complaints / Feedback form**

Personal Details .....

Name .....

Address .....

.....

Postcode .....

Daytime telephone number .....

Evening telephone number .....

If applicable, name of child(ren) and year at school

.....

Your relationship to the school, e.g. parent, carer, neighbour, member of the public, student:

.....

Please give details of your complaint:

What actions, if any, have you already taken to try and resolve your complaint? Who did you speak to, when and what was the response?

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

Signature .....

Date .....

**Official Use:**

Date of acknowledgment .....

By whom .....

Complaint referred to .....

Date .....



## Hollybush Primary School



*“Inspiring all learners to achieve”*

### **Model complaint closure letter – stage 1**

#### **MODEL CLOSURE LETTER FOR FORMAL STAGE 1 – HEAD TEACHER**

Dear Mr and Mrs X,

#### **FORMAL STAGE 1 COMPLAINT ABOUT Y AND SCHOOL Z**

Thank you for your letter dated.... From your letter(s) it is clear that you are still unhappy with the situation. As a result I have decided to have the matter investigated as part of formal stage one of the school's complaints procedure.

You complain that :

*summary of complaint to be stated. State each point separately.*

I have completed my investigation and can offer the following response(s) on each of the points you have raised.

1. Concerning your complaint that ....
2. Concerning your complaint that ....

It is important that you are clear about what action the school has taken at each stage of the process so far:

Informal stage

*State what action was taken in response and the outcome of this.*

Formal stage one

*State what investigative action was taken in response and the outcome of this, including any remedial action to be taken if complaint is upheld.*

I hope this response answers your concerns. Please let me know if you wish me to clarify any points. In the meantime, if you are still not satisfied with my reply, there is a further stage of the complaints procedure that you can follow. This formal stage two is a review by a panel of governors who will look at the way in which your complaint has been dealt with. The panel will not, however, rehear the whole case.

To go to the next formal stage two, you should write to the chair of governors within ten days of the receipt of this letter, giving your reasons why you wish to take your complaint further. If you are still not satisfied with the results of the formal stage two panel of governors, you can complain to the Secretary of State for Education who will consider how your complaint has been handled.

Yours sincerely



## Hollybush Primary School



*“Inspiring all learners to achieve”*

### **MODEL CLOSURE LETTER FOR FORMAL STAGE TWO - GOVERNORS PANEL**

Dear Mrs and Mrs

#### **FORMAL STAGE 2 COMPLAINT ABOUT Y AND SCHOOL Z**

The panel met on ...date...to hear your appeal regarding your complaint which can be summarised as follows:

*That so and so/the school did/said/did not,...*

#### **Legal or administrative background**

*State any legal or administrative background to the case, including any legislation relevant to the investigation.*

#### **The investigation**

*Set out the key facts about the complaint, the findings and conclusions from the formal stage one investigation, and any continuing concerns.*

#### **Conclusion**

*Set out the findings of the panel*

#### **Panel decision**

*Outcome of the decision*

Please let me know if you wish me to clarify any points for you.

In the meantime, if you remain dissatisfied with the way in which your complaint has been dealt with, you can contact the Secretary of State for Education through the DfE website [www.education.gov.uk](http://www.education.gov.uk) or by writing to the following address:

The School Complaints Unit (SCU)  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Yours sincerely



## Hollybush Primary School



*“Inspiring all learners to achieve”*

### **Complaints which are subject to statutory procedures**

Some areas of complaint are subject to statutory procedures and there is clear guidance on how such issues should be dealt with. These include;

- admissions
- child protection
- drugs
- equalities
- exclusions
- health and safety
- sex education
- national curriculum
- religious worship
- special educational needs
- staff capability
- staff discipline
- staff grievance
- hate incidents \*

The head teacher will in most cases determine which if any of these statutory procedures apply. Advice can be obtained from the LA on any such issues either by contacting the appropriate service manager or customer relations on 0113 39 50310.

If one of these statutory procedures needs to be invoked at some point during the investigation of a more general complaint the complaints procedure should be suspended until the statutory procedure has been concluded.

\* although hate incidents are subject to a statutory procedure, the Equality Act 2010, this does not necessitate the complaints procedure being suspended. However, there is a duty for local authorities to monitor hate incidents, bullying and prejudice based incidents and so schools must complete the electronic system (HIRS) form, as part of the procedure for any complaint regarding race, gender, disability, faith and sexual orientation incidents and send to [reportthatecrime@leeds.gov.uk](mailto:reportthatecrime@leeds.gov.uk) . See Part IV Further Guidance, section 13.