

HOTSPUR PRIMARY SCHOOL



COMPLAINTS POLICY AND PROCEDURE: 2012

Introduction

Misunderstandings and mistakes happen; what matters is how the consequences of these are handled. Although formal complaints are few, they can be very stressful for all involved. This document sets out the general principles for handling complaints at Hotspur and gives a clear procedure to follow.

Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. This complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service (e.g. at Treehouse), will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where possible.

Safeguarding is **not** covered by this policy. Safeguarding and promoting the welfare of children is defined as:

- protecting children from maltreatment
- preventing impairment of children's health or development
- ensuring children are growing up in circumstances consistent with the provision of safe and effective care.

If safeguarding is, or thought to be, an issue the Head Teacher or the Deputy Head Teacher should be contacted directly.

General principles

The Complaints Procedure is intended to:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- 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 people's desire for **confidentiality**;

- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the School's Senior Leadership Team so that services can be improved.

The Stages of Complaints

A flow chart of these stages can be found in Appendix 2. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved or further investigations that may be required by the Head Teacher after a meeting with the complainant.

Complaints should be raised promptly and, in the first instance, informally by approaching the class teacher or the individual delivering the service. If the complainant feels that he/she would have difficulty in discussing this with the particular member of staff, then the initial complaint can be made to another staff member who will listen to the complaint and explain the procedure available.

Complaints should not be submitted to governors. If a complaint is raised with a governor, s/he should explain the procedure to the complainant.

If the complaint cannot be resolved informally, the following procedure should be followed:;

- Stage one: the complainant should be referred to the School Office which will provide the form in Appendix 1. If help is needed to complete this, it will be provided. After the complainant has filled in the form the School Business Manager will refer it to the appropriate member of the Senior Leadership Team;
- Stage two: The complaint will be heard by an appropriate member of the Senior Leadership Team. Ms. Walker, if it concerns SEND; Mrs. Kennedy, if it concerns EYFS/Key Stage 1; Mrs. Jackson, if it concerns Key Stage 2; Mr. Crosthwaite, if it concerns Extended Services provision; Mrs. Fullerton, if it concerns the administration/office functions;
- Stage three: If the complaint has not been resolved, it will be heard by the Head Teacher;
- Stage four: If the complaint has not been resolved, the complainant can write to the Chair of Governors who will set up a GB complaints appeal panel to hear the complaint.

If, after the GB complaints appeal panel has heard the complaint, it is still not resolved, the complainant can take it to:

- The Secretary of State for Education.
- The Local Government Ombudsman if it is about the following local authority services – SEN, school admissions, permanent exclusions, school transport.

- Ofsted if it is about the quality of the education provided, pupil achievement, the school's leadership and management, misuse of resources or neglect of pupils personal development and well-being

The Local Authority no longer has a duty to consider complaints.

Investigating Complaints

At each stage, the person investigating the complaint will make 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 and of any informal discussions.

Resolving Complaints

At each stage in the procedure those involved should try to keep in mind ways in which a complaint can be resolved, identify areas of agreement between the parties and try to clarify any misunderstandings that might have occurred. Where appropriate, 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 either for the issue itself or any distress caused by it;
- 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 the light of the complaint.

An admission that the school could have handled the situation better is not the same as an admission of negligence.

Time-Limits

Complaints will be considered, and resolved, as quickly and efficiently as possible. Wherever possible, a full written response will be made within 15 working days or, where this is not possible, a reply will be sent indicating progress to date and an estimate of time to make a full response.

Vexatious Complaints

If properly followed, this complaints procedure should limit the number of complaints that become protracted. However, if, despite all stages of the procedure having been followed, the complainant remains dissatisfied and tries to reopen the same issue, the Chair of the Governing Body is entitled to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Malicious Complaints

The assumption is that complaints are made in good faith. However, complaints that are found to be malicious may be referred to the full Governing Body, or, if no meeting is due, to a special panel set up by the Chair to consider whether to apply an appropriate sanction. The panel, comprising a parent governor, a staff governor, a Community governor and an LA governor, none of whom should have direct interest in the matter, will make a decision. The decision and the reasoning leading to it will be reported to the next full meeting of the Governing Body as a confidential item.

APPENDIX 1: COMPLAINT FORM

Please complete and return to the School Business 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?

What might the School do to put things right?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: