

**BEAN PRIMARY SCHOOL
COMPLAINTS PROCEDURE POLICY**

Introduction

Our underlying principle is that any concerns will be handled, if at all possible, promptly and fairly without the need for formal procedures. If you have any concerns about the school or the education provided you are encouraged to discuss the matter with your child's class teacher, the Assistant Headteacher or Headteacher at the earliest opportunity. We consider all concerns very seriously and seek to resolve problems at this stage. However notes will be made of any informal meetings/discussions and if it hasn't been resolved to your satisfaction these will be passed on to the Headteacher or to the governors investigating. This document sets out the formal procedure that will be followed for all investigations as part of our school's Complaints Procedure.

Please note this procedure does not apply to issues concerning the following: Admissions, Appeals, Child Protection, Collective Worship, Curriculum, Exclusions and Grievances by or against staff, Racial Incidents, Special Educational Provision and Whistleblowing. These are all subject to existing statutory procedures.

Aims and Objectives

We will give careful consideration to all concerns and deal with them fairly and honestly. We will provide sufficient opportunity for any concern to be fully discussed and aim to resolve the matter through open dialogue and mutual understanding.

How to raise concerns or to make a complaint about the school

If you have a concern or complaint we would like you to tell us about it. We welcome suggestions for improving work in school. Be assured that no matter what the problem is, our support and respect for you and your child in school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem that happened some time ago.

What we do first

Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher.

If you have a complaint that you feel should be looked at by the Headteacher in the first instance you can contact him/her straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling into the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both of you and the school to understand both sides of the question. It may also help to prevent a similar problem arising.

What to do next

If you are dissatisfied with the initial response, or if you do not want to discuss the matter informally, you can make a complaint to the Headteacher. This will need to be in writing. Contact the school office if you would like some help putting your complaint in writing.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors now. Contact details can be obtained from the school office.

You will be offered a meeting to discuss the problem. You may bring a friend or someone else for support. The Headteacher will conduct a full investigation of any complaint and may interview any members of staff or pupils involved. You may receive a written response to your complaint.

If you are still unhappy

The problem will normally be solved at this stage. However, if you are still not satisfied you may wish to contact the Chair of the Governing Body to ask for a referral or your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be given a fresh assessment. You will be invited to attend and speak to the panel at a meeting that the Headteacher will also attend. The complaints procedure sets out on more detail how these meetings operate.

Further Action

Complaints about school problems are almost always settled within schools but if they remain unresolved they can be referred to the Secretary of State for Education. The Department for Education will expect the complaint to have been considered by the school governors first.

Formal Complaints Procedure

In order to investigate your complaint as fully as possible the governing body has a staged process. Most issues are sorted out informally and we would recommend that you try this approach first. However, if you feel that there is nothing gained and you wish to make a formal complaint you have the right to go straight to stage 1 of the complaints procedure.

Resolving concerns informally

Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure them that the school wants to hear about it. Parents should be advised from the outset that there is a complaints procedure that they may use if the matter cannot be resolved. The member of staff may explain to the parent how the situation happened. It can be helpful at this point to identify what sort of outcome the parent is looking for.

If the member of staff first contacted cannot immediately deal with the matter he/she will make a clear note of the date, name and contact address or phone number.

All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. He/she will check later to make sure the referral has been dealt with.

If the matter is brought to the attention of the Headteacher he/she may decide to deal with complaint. If the complaint is against the Headteacher the parent will be advised to contact the Chair of Governing Body.

The member of staff dealing with the concern will make sure the parent is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.

While it is often a helpful way to resolve problems more quickly, a parent or pupil is not required to pursue informal ways to address complaints but has the right to make a formal complaint at any time.

Complaints Procedure Stage 1: Investigation by the Headteacher

Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can expect help to put their complaint in writing.

The Headteacher (or designated person) will acknowledge the complaint in writing within three working days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of 20 working days unless it a particularly complex issue.

The Headteacher will provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if he/she wishes he/she might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.

If necessary the Headteacher will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed unless this is judged not be in the interests of the pupil's welfare. Pupils should normally be interviewed with parents/guardians present, but this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that he/she would prefer the parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.

The Headteacher will keep written records of meeting, telephone conversations and other documentation.

Once all the relevant facts have been established as far as possible, the Headteacher will then produce a written response to the complainant, including a full explanation of the decision and reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should he/she wish to take the complaint further he/she should notify the Chair of Governors within 20 working days of receiving the letter.

If the complaint is against the Headteacher, or if the Headteacher has been closely involved in the issue, the Chair of the Governing Body will carry out all the Stage 1 procedures.

Stage 2: Review by the Governing Body

The Chair of the Governing Body will write to the complainant to acknowledge receipt of the written request for the governing body to review the complaint. The acknowledgement will inform the complainant that the three members of the school's governing body will hear the complaint with 20 working days of receiving the complaint. The letter will 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.

A meeting of the Governors' Complaints Panel will be convened. No governors with prior involvement in the issues complained about will be included on the panel and it may be necessary to use reserves (previously agreed by the Governing Body) to ensure the Panel can meet within the set time. Governors should bear in mind the advantages of having a parent governor on the panel, and will also be sensitive to issues of race and gender. The Headteacher will not sit on the Panel. An experienced governor will chair the panel meeting.

The Chair of the panel will ensure the Panel hears the complaint within twenty working days of receiving the letter. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.

The Chair or clerk will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further evidence to the Panel.

The Headteacher will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All attendees including the complainant should receive a set of the relevant documents including the Headteacher's report and the agenda, at least five working days prior to the meeting.

Submission of additional documents or requests for additional attendees will be at the discretion of the Chair of the panel.

At the panel hearing:

- The complainant will have the opportunity to present their complaint
- The Headteacher will explain the school's position
- Those present will have the opportunity to ask questions
- Panel members will have the opportunity to ask questions of the complainant and the Headteacher
- The Headteacher will be given the opportunity to make a final statement to the panel
- The complainant will be given the opportunity to make a final statement to the panel
- The chair will ask the complainant if he or she feels they have had a fair hearing

The Chair of the Panel has responsibility to ensure that the meeting is properly minuted.

The Chair of the Panel will explain to complainant and Headteacher that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Headteacher and both staff and witnesses will then leave.

The panel will then consider the complaint and all the evidence presented and:

- Agree a decision on the complaint
- Decide upon the appropriate action to be taken to resolve the complaint; and
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

A written statement clearly setting out the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should also advise how to take the complaint further.

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 3 - The Secretary of State

If a complainant wishes to go beyond the governors' complaints panel, they should be advised to contact the Secretary of State for Education. More information is available at www.education.gov.uk/schoolcomplaints

STAGE 2

If the complaint has been investigated by the Headteacher/Chair of Governors and is not resolved to your satisfaction, then Stage 2 of the formal procedure will begin. The complaint will be passed to the Chair or nominated complaints governor to review whether the complaint has been properly dealt with. It may require the setting up of a Governor Complaints Panel as outlined in Appendix 4.

If the complaint is a staff disciplinary or capability issue, then the matter will be dealt with by following the appropriate procedure rather than the complaints procedure. You will be notified if this is the case with your complaint, but we will not be able to tell you which procedure or the final outcome.

At each stage the person or panel investigating the complaint will ensure that they:

- establish what has happened so far and who was involved
- clarify the nature of the complaint and what remains unresolved
- meet/contact the complainant
- clarify what the complainant feels would resolve the situation
- interview those involved
- conduct interviews with an open mind
- keep record of notes of the interview.

At each stage we will try to resolve a complaint. It may be appropriate to offer:

- an apology
- an explanation
- an admission a situation could have been handled differently
- an explanation of steps taken to ensure it won't happen again
- to undertake a review of policies in light of the complaint.

Monitoring and Review

The school governors will monitor the complaints procedure and ensure that all complaints are handled properly. The Headteacher logs all formal complaints received by the school and records how they were resolved. Governors will examine this log on an annual basis and consider the need for any changes to the procedure.

Availability

A copy of this procedure is available to all parents on request and is included in the school prospectus.

This policy was drawn up by the Headteacher having consulted with staff and governors.

Ratified: January 2015

Review Date: March 2018

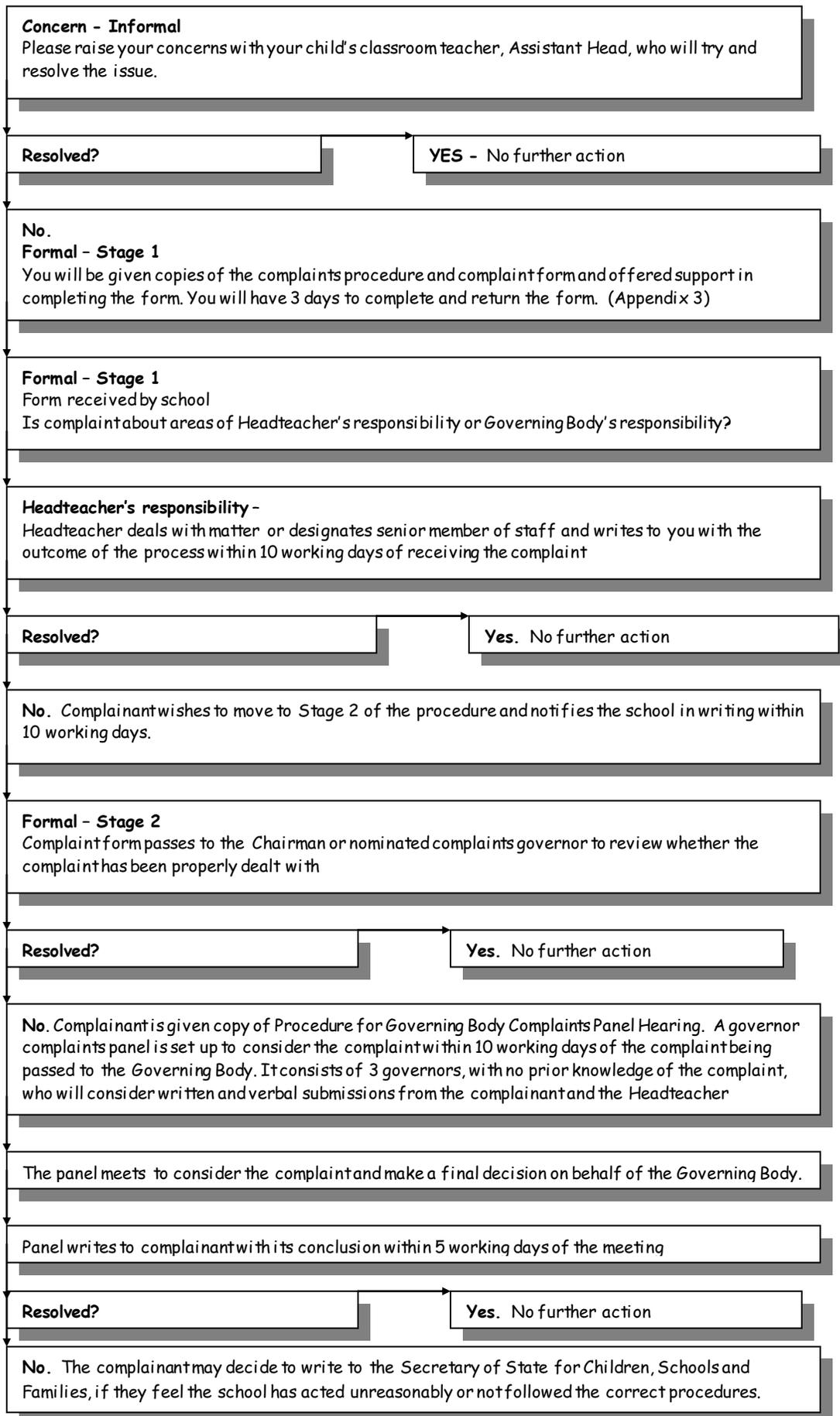
Appendix 1

COMPLAINTS PROCEDURE

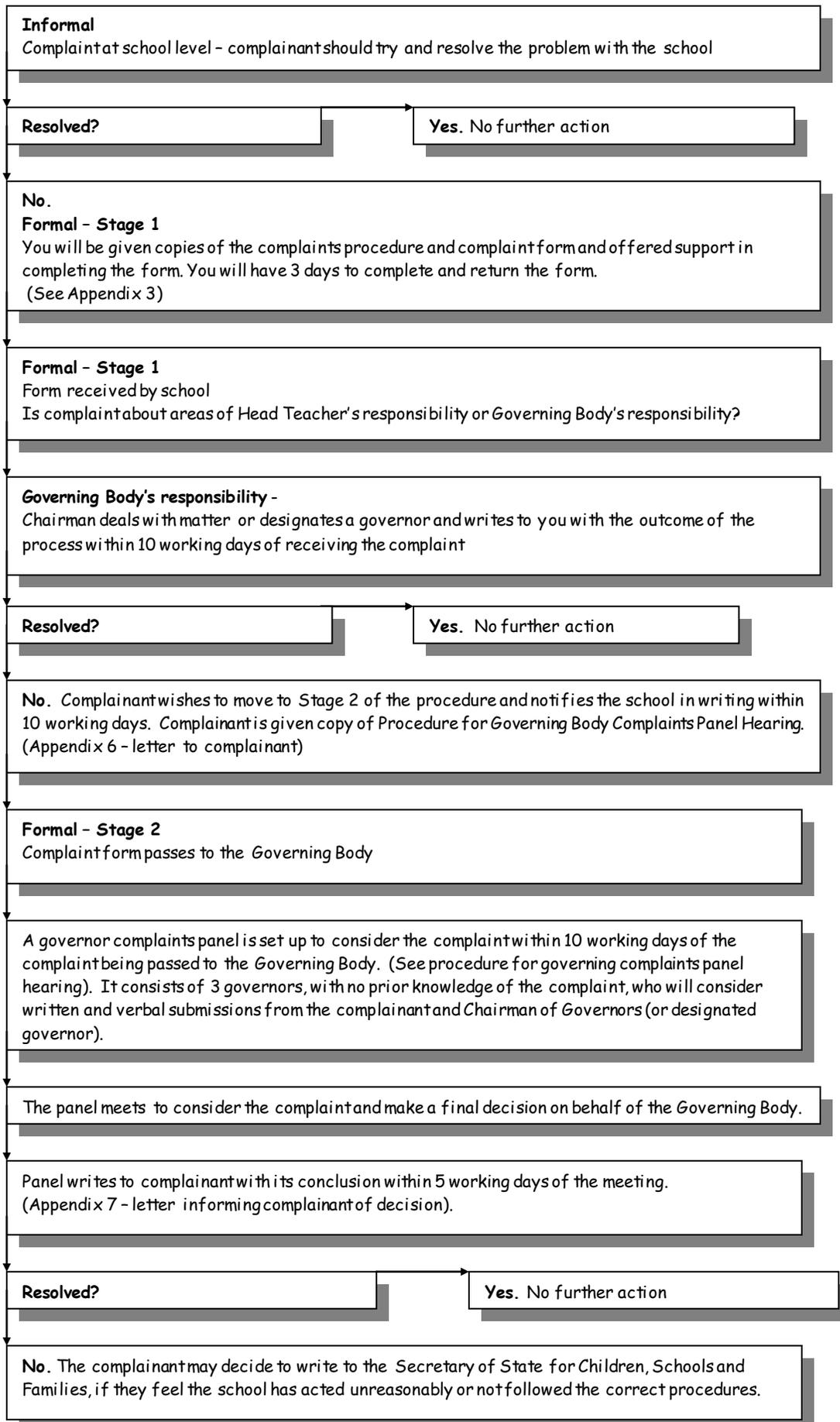
Please complete and return to the school office marked confidential and for the attention of the Headteacher/Chair of Governors.

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:
<i>Official use</i> <i>Date acknowledgement sent:</i> <i>By who:</i> <i>Complaint referred to:</i> <i>Date:</i>

Appendix 2
Complaint/Concern under Headteacher's Responsibility



Appendix 3
Complaint/Concern under Governing Body's Responsibility



Appendix 4
Procedure for conducting a Governing Body Complaints Panel Hearing

The Governing Body Complaints Panel operates according to the following formal procedures:

1. The Chair of the Governing Body Complaints Panel will aim to arrange for the panel meeting to take place within **10 working days**.
2. The Chair of the Governing Body Complaints Panel will ask you whether you wish to provide any further written documentation in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
3. The Headteacher will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
4. The Chair of the Governing Body Complaints Panel will inform you, the Headteacher, any relevant witnesses and members of the panel by letter, at least **five working days** in advance, of the date, time and place of the meeting. We hope that 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.
5. With the letter, the Chair of the Panel will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit further written evidence to the panel.
6. The letter from the Chair of the Panel will also inform you 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. With the agreement of the chair of the panel, the Headteacher may invite members of staff directly involved in matters raised by you to attend the meeting.
8. Witnesses will be invited to the hearing and give statements but withdraw once they have done so.
9. 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.
10. 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.
11. 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. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
12. 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.

13. During the meeting, you can expect there to be opportunities for:
 - you to explain your complaint;
 - you to hear the school's response from the Headteacher;
 - you to question the Headteacher about the complaint;
 - you to be questioned by the Headteacher about the complaint;
 - the panel members to be able to question you and the Headteacher;
 - any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
 - you and the headteacher to make a final statement.
14. 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 the headteacher and yourself **within five working days**. All participants other than the panel and the clerk will then leave.
15. The panel will then consider the complaint and all the evidence presented in order to:
 - reach a majority, decision on the complaint;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend, where appropriate, to the Governing Body changes to the school's systems, policies or procedures to address the issues raised.
16. The Chair of the Panel will send you and the headteacher a written statement outlining the decision of the panel **within five working days**. If you are not satisfied with the outcome you may appeal to the Secretary of State, details of which should be provided in the letter.
17. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.