

## **St. Laurence C of E (A) Primary School**



### **Complaints Policy and Procedures**

The procedure below fulfils the requirements of The Education Act 2002 (Section 29) for “all governing bodies to have a procedure to deal with complaints relating to aspects of the school, and any community facilities or services that the school provides.”

This procedure does not apply to (and should not be used for) statutory appeals in relation to:

- Admissions to the school
- Exclusions from the school
- Local Authority procedures for assessment of children with special educational needs

Similarly, it should not be used for dealing with complaints that make allegations against staff of child abuse, or relate to staff discipline or capability, where other statutory procedures apply. If a concern is brought to the attention of the school that relates to any of these matters, the school will refer to the local authority or its HR provider to ensure that the relevant statutory or local authority procedure is used.

The Foundation Governing Body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using school facilities for external events. The FGB will however take reasonable steps to ensure that such providers have their own complaints procedures.

Signed \_\_\_\_\_

Chair

Signed \_\_\_\_\_

Headteacher

Date \_\_\_\_\_

Review

1<sup>st</sup> November 2019

### **Who can raise a concern or make a complaint?**

Anyone who has dealings with the school can use this procedure, whether a pupil, a parent or carer, a visitor, a neighbour, or a provider of a service to the school. If you wish to raise a concern or complain on someone else's behalf, the school will usually only deal with this if the person on whose behalf you are complaining is unable to do so for themselves.

### **How will my concern or complaint be handled?**

Our procedure has three stages:

1. Responding to concerns
2. Investigating complaints
3. Appeal to the Governing Body

At any point in the handling of your concern/complaint, there is also the possibility of a *resolution meeting*. The school will try to deal with the matter as quickly as possible. If you have concerns about the time being taken, you should raise this with the Clerk to the governing body. We expect concerns and complaints to be brought to the attention of the school as quickly as possible.

Complaints notified to the school after three months from the date of any incident will usually be ruled 'out of time', unless there are exceptional circumstances. The school may escalate a 'concern' to a 'complaint' in order to speed up the resolution of the issue. If you report any of the concerns in the list below, we will need to refer to the local authority or other adviser to ensure that the relevant statutory or local authority procedure is used,

- the admission of your child to the school
- the exclusion of your child from the school
- local authority processes for assessing children with special educational needs
- allegations against staff of child abuse or other disciplinary matters

### **Step 1: Raising and Responding to concerns**

If your concern is about something that a person has or has not done (for example a member of staff, the Headteacher, a governor, or a volunteer) you should make an arrangement through the school office to discuss the concern with that person or their manager. If your concern is about an aspect of school practice or policy, you should contact the Headteacher. We want to respond to your concern as quickly as possible, but it may not be possible to arrange an immediate meeting: an appointment within a few days may be necessary.

Please do not approach staff while they are 'on duty'.

We can reassure you that most concerns are usually resolved at this stage. We will give you a verbal response, usually within 5 school days. This may be followed by confirmation in writing.

### **Step 2: Making and Investigating a complaint**

If you remain dissatisfied by our response to your concern, then you should make a formal complaint in writing to the Headteacher, even if you have already met and discussed the concern. You need to make your formal complaint *within 5 school days of the response*.

If you need help to set out your complaint in writing, the school will arrange for this for you. All letters should be sent to the school address, marked '*Confidential: for immediate attention*'. The Headteacher will arrange for the complaint to be investigated. If your complaint is about the Headteacher, you should address your letter to the Chair of Governors who will arrange for it to be investigated by a nominated member of the governing body (this may be the Chair of Governors). If your complaint is about the Chair of Governors, you should address it to the Clerk to the Governors, who will make the arrangements.

In all cases,

- state that you are making a complaint
- give specific details
- say what you feel the school should do to put things right

The Headteacher, staff member or governor nominated to investigate and respond to your complaint will,

- contact you and arrange to meet or discuss the complaint and confirm with you, what will be investigated;
- review any documents and meet with relevant staff and/or witnesses (though governors will not usually interview children);
- seek and consider independent advice, such as from the local authority;
- write a response letter with a decision and explain how to make any appeal.

Please be aware that if your complaint alleges misconduct by a member of staff, the school must use a separate procedure which is confidential to the employer and employee. You will not normally be given any details of the outcome and the right of appeal does not apply.

This process should take no longer than 10 school days from the date the school acknowledges receipt of the complaint. If there is likely to be a delay, the investigator should contact you again to explain why and indicate a new timescale.

### **Step 3: Appealing to the Governing Body Panel**

If you remain dissatisfied with the outcome of the investigation, you may appeal to the governing body. The letter giving the school's decision following the investigation will tell you how to make an appeal. If you wish to appeal, you must notify the Governors within 5 school days of receipt of the complaint response letter.

The governing body will arrange for a panel of three governors to review your complaint. The chair of this panel will contact you to set out the process. This may include,

- meeting with you and the Headteacher (separately or together) to review the complaint and its handling,
- reviewing the school's policies and operating procedures
- involving an external advisor to ensure impartiality

After this review, the panel will notify you of their decision. This will include informing you that the school's procedure has been exhausted and that the matter is now closed. There is no further right of appeal to the school against the decision. The appeal process should take no longer than 10 school days. If there is likely to be a delay, the Chair of the appeal panel should contact you again to explain why and indicate a new timescale.

### **Resolution meeting**

You may at any time contact the school and ask for a Resolution meeting (and the school may offer a Resolution meeting at any time) which means that the formal investigation and appeal procedure can be suspended and a meeting held to resolve matters informally, usually within 10 school days of the request or offer being made. Should the Resolution meeting fail to resolve the complaint, the investigation or appeal will be resumed.

### **The Secretary of State**

You have a separate right to complain to the Secretary of State if you believe that the governing body has acted unreasonably or is failing to carry out its statutory duties properly. Telephone 0370 000 2288 or go to <https://www.gov.uk/government/organisations/department-for-education>

### **Ofsted**

If your complaint is about a whole school issue, you have a separate right to complain to the Office for Standards in Education (Ofsted). Contact details can be found at [www.ofsted.gov.uk](http://www.ofsted.gov.uk). Note, however, that Ofsted do not usually consider complaints relating to individual children but they may use the information to bring forward an inspection.

### **Unreasonable or Vexatious Complainants**

In the instance of complaints or vexatious complainants St Laurence Co E (A) Primary School will follow the Best Practice Advice for School Complaints 2016 (DfE).

### **Complaints specifically relating to SEND matters**

Complaints relating to the assessment of children for inclusion on the Special Educational Needs & Disabilities (SEND) register should be directed to the Local Authority.

Complaints relating to the school's provision of support for children already on the SEND register will be jointly investigated by the SEND coordinator and the Headteacher. If the complaint is about the SEND coordinator, then the complaint is investigated by the Headteacher and the SEND governor. Appeals against the outcome of any investigation will be handled as previously laid out.

### **Duties of the Foundation Governing Body**

On an annual basis, the FGB will nominate 4-5 Governors who will make themselves available to form a Governors Appeal Panel if required. Panel members must not be involved in any discussion about potential or ongoing complaints or excuse themselves from Panel responsibility if they are informed about the details of a complaint.

The FGB will review the handling of all complaints on an annual basis in order to ensure that best practice is being followed.

The FGB will ensure that the school office has contact details for the Chair of Governors and the Clerk to the Governors, so that there is no delay in the handling of a complaint.

### **Confidentiality**

Complainants, staff and governors must respect the confidentiality of concerns and complaints. They should make every effort not to broadcast details regarding a concern or complaint or its investigation. In particular, the use of social media as a forum for broadcasting concerns to the wider community must be avoided.

Complainants and members of staff affected by a complaint should seek moral support from an appropriate person, but should be sensitive to the need to maintain confidentiality. They should avoid any actions that could be detrimental to the education or welfare of any child.

Anyone involved in a meeting or hearing relating to a complaint investigation may bring a suitable person for support. This could be a friend colleague or Union representative. However, that person may not address the hearing other than to clarify points of procedure.

### **Notes for staff on handling concerns and investigating complaints**

The underlying principle of this complaints policy is that concerns ought to be handled early in an open and honest to avoid unnecessary escalation to formal complaints. The nature of the initial contact between the complainant and the school may be crucial in determining whether or not the complaint will escalate.

At every stage during the process, the staff member Headteacher or investigating governor(s) should consider any/all of the following:

- encourage the complainant to state what actions they feel might resolve the problem.
- acknowledge that the school might have handled the situation better (note, this is not an admission of fault)
- offer an apology and/or an explanation for what has happened
- provide assurance that the situation will not happen again
- provide an explanation of the steps that will be taken to ensure that it will not happen again
- undertake to review school policies in light of the complaint

Complaints will ordinarily be investigated by the Headteacher or deputy Headteacher, depending on the situation. Complainants must be notified at the earliest opportunity as to who is investigating their complaint.

### Flowchart for Complaints Handling Process

