

'Learn to love and love to learn; in God's love each one will shine.'

**St. Andrew's Church of England (VC) Primary School
Policy for Procedures for Dealing with School-based Complaints**

Rationale:

At St. Andrew's Primary School it is our vision for every child in our school to have

- * positive self-esteem through inner confidence and strength
 - * creativity of thought within a life-long passion for learning
 - * excellence, high personal achievement and the experience of success
 - * a set of values by which to live
 - * an enjoyment of childhood
- developed within a caring Christian environment.

We believe that St. Andrew's is a community. Every pupil, every parent/carer and member of staff in our school is part of the school family and as such is valued and cared for as an individual. It is our aim to work with all members of our school community in a respectful, open and honest manner in order to achieve the very best that we can for every child within our care.

It is, however, possible that there will be times when a difference of perspective or opinion may cause disagreement, misunderstanding, concern or even complaint and it is the aim of this policy to outline a procedure by which such complaints can be resolved to the satisfaction of all parties, whilst minimising any possible detriment to the children in our care or to relationships within our school community.

This policy is based upon the 'Model Procedures for Dealing with School-based Complaints' issued by 'Children's Services', Hertfordshire (July 2015)

Framework of Principles

Our Complaints Procedure will:

- 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;
- facilitate swift handling within 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.

How to comment or complain relating to:
St Andrews's Church of England (Voluntary Controlled) Primary School,
Mill Race,
Stanstead Abbots
SG12 8BZ.

Tel: 01920 870097

admin@standrews323.herts.sch.uk

www.standrews323.herts.sch.uk

First

If you have a concern about anything we do, or if you wish to make a complaint, you can do this by telephone, in person or in writing (by letter or email). We hope that most complaints can be settled quickly and informally, either by putting matters right or by giving you an explanation. If there is something you are not happy about, or you don't understand why we are doing something in a particular way, please come in and discuss it in the first instance with the class teacher or another appropriate member of staff such as the Special Educational Needs Co-ordinator (SENCO) if it is about Special Needs.

We know that it can feel uncomfortable to question or challenge, but if you don't tell us what is worrying you we cannot explain what we are doing or try to put it right. If the first person you talk to cannot help you then speak to the Headteacher. Make an appointment with the school secretary to make sure that the Headteacher is available. You should be able to sort out your worries but sometimes this is not possible. In this case there is a next step

Second

If you are not satisfied you can complain formally by filling in a form, which is available from the school office. Address the form to the Chair of Governors. The school secretary will tell you who this is and pass on any written correspondence. The Chair will then arrange for your complaint to be investigated and considered and will reply within 10 working days to give you a progress report and tell you what will happen next. This is likely to involve a Panel of Governors. When your complaint has been fully investigated you will be told the outcome in writing.

Third

Most complaints are the responsibility of the Governing Body of the school and will be resolved by them. A small number of complaints may not be resolved by this process.

In the case of complaints about **Special Educational Needs**, you can complain further to the Local Authority. This should be done by writing to the Complaints Manager in the Customer Service Team at the address below.

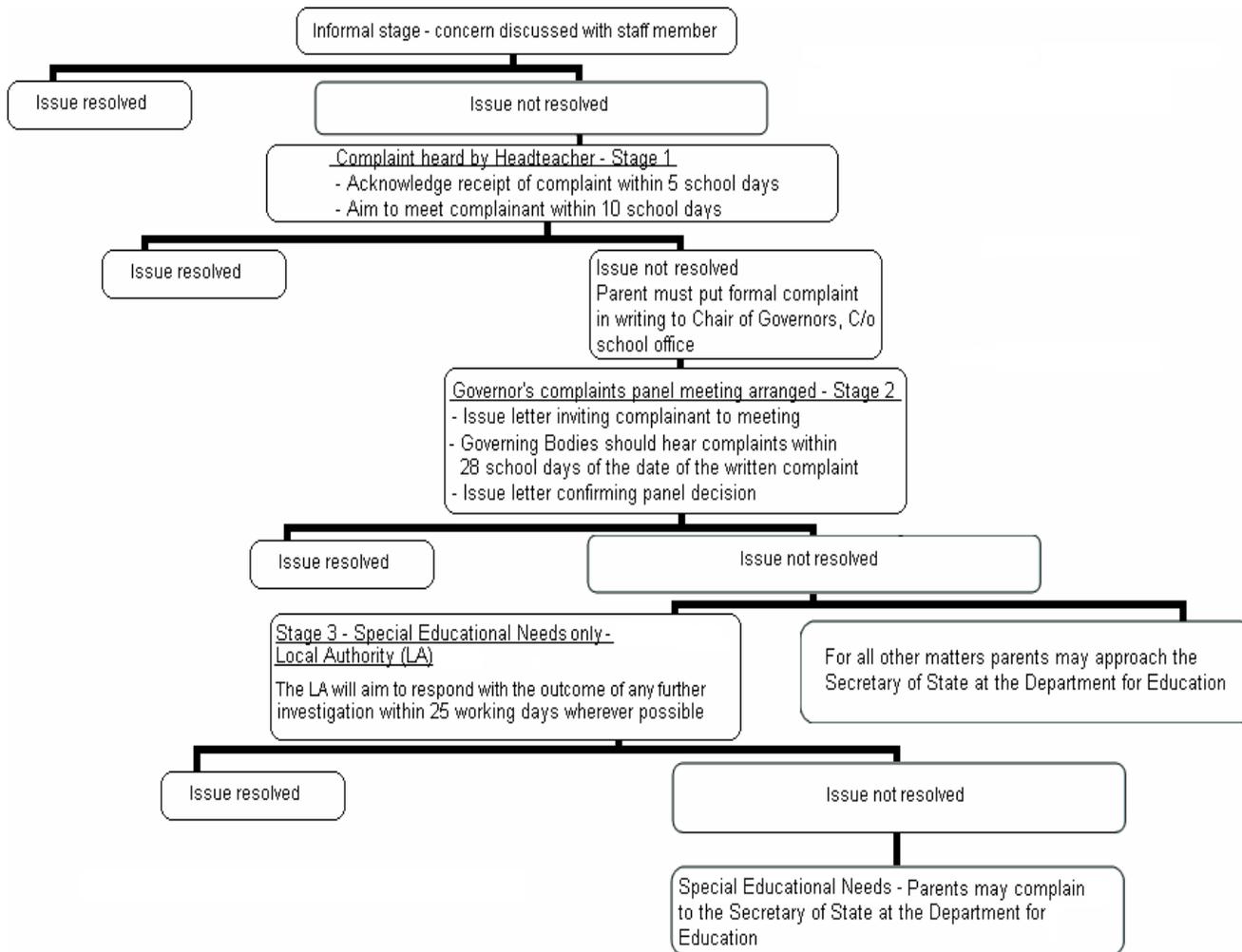
It should be noted however that if you wish to pursue this route, you must do so within 28 days of receiving the written outcome of the hearing into your complaint. After 28 days, neither the School nor the Local Authority is under any obligation to investigate or progress your complaint any further.

Investigating Complaints

At each stage, the person investigating the complaint (the Headteacher or, in her absence, the Deputy Headteacher), will ensure 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 rectify the situation;
- 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.

Dealing with complaints



Resolving Complaints

Prior to a complaint being escalated to involve a formal hearing, we will consider possible forms of resolution. E.g. 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;
- 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 recur;
- an undertaking to review school policies in light of the complaint.

We will encourage complainants to state what actions they feel might resolve the problem at any stage.

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

Vexatious Complaints

A vexatious complaint is likely to involve some or all of the following:

- the complaint arises from a historic and irreversible decision or incident;
- contact with the school is frequent, lengthy, complicated and stressful for Staff;
- the complainant behaves in an aggressive manner to Staff when he/she presents his/her complaint or is verbally abusive or threatening;
- the complainant changes aspects of the complaint partway through the complaint process;
- the complainant makes and breaks contact with the school on an ongoing basis; or
- the complainant persistently approaches the school (and in some cases the Local Authority) through different routes about the same issue in the hope of getting different responses.

If the situation is challenging but it is possible to proceed, Staff should avoid giving unrealistic expectations on the outcome of the complaint. In instances where there is a complete breakdown of relations between the complainant and the school, a decision may be made to restrict contact. Any restrictions imposed should be appropriate and proportionate. The options that schools are most likely to consider are:

- requesting contact in a particular form (e.g. – letters only or with a Governor present);
- requiring contact to take place with a named member of Staff (e.g. – Headteacher);
- restricting telephone calls to specified days and times;
- asking the complainant to enter into an agreement about his/her future contact with the school; and
- informing the complainant that if he/she still does not follow this advice (as stated above) any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged, but should be kept on file.
- if the complainant tries to reopen an issue that has already been examined through the complaints procedure, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

The Complaints Team can be contacted directly where the school identifies a need to discuss a particular case further in order to ascertain whether the complaint can be considered vexatious or not.

The Complaints Team can be contacted directly by schools to discuss such cases further on 01992 588542 (www.hertsdirect.org/your-council/hcc/childserv/comments/)

Timescales:

We aim to deal with these quickly and efficiently at Stage 1, so avoiding the formal Stage 2 procedure wherever possible. All complaints will be acknowledged within **5 school days**.

The Governing Body should deal with and respond fully to Stage 2 Formal Complaints within **28 school days** of the written complaint being received. If this is not possible, parents need to be given the reasons for the delay and to be kept informed of progress.

Stages in dealing with complaints:

In the first instance – informal stage

Most concerns, or potential complaints, can be resolved by offering parents a full discussion with the member of staff who is best able to help. This may involve the Headteacher and the Chair of Governors working together to investigate the complaint. This is where the process should start and sometimes Governors approached by parents informally will need to steer parents in this direction initially.

First - Formal stage

Request a meeting with the Headteacher who will investigate your complaint and aim to inform you of the outcome within 10 school days (2 weeks).

If the complaint is about the provision the school is making for a child's special educational needs, then a parent might find it helpful to talk to the named DSEN Officer where this applies. The Area Parent Partnership Supporter or the Parent Partnership Co-ordinator will be able to provide advice on the

procedures that the LA has in place for resolving disputes between schools and parents over DSEN provision.

Schools should give parents wishing to complain further a copy of the School Complaints Procedure and ask them to set out their complaint in a letter or by completing the complaint form. (Appendix A).

Governors involved closely with complaints at Stage 1, cannot be involved with Stage 2 of the complaints procedure. If Chair of Governors, or other Governors, has been involved in earlier discussions to try and help settle the disagreement at Stage 1, then arrangements should be made for another Governor with no prior involvement to take charge of the investigation and consideration of the complaint.

If your complaint is about the Headteacher, you should write to the **Chair of Governors**.

Second – formal stage

If you remain dissatisfied following Stage 1 and wish to take your complaint further, you will be asked to complete a form or write a letter addressed to the Chair of Governors. In the letter you should:

- **make it clear why you are complaining**
- **say who you have spoken to already**
- **explain what you want to happen as a result of your complaint.**

The Chair of Governors will arrange for the complaint to be investigated and considered under the arrangements approved by the Governors for this purpose. This will usually involve a panel of Governors appointed to act on behalf of the Governing Body. **In the case of Special Educational Needs' complaints and National Curriculum or Collective Worship complaints, the Chair of Governors must inform the Head of the Conciliation and Appeals Unit (CAU).**

Prior to any complaint hearing, the parent will be offered an opportunity to talk about the complaint in the course of the investigation. This might clarify the outstanding matters of complaint which remain unresolved and what outcome is sought by the complainant.

Parents will be provided with full details of how the Governors' Complaints Panel will conduct any further investigation. In some cases it may not be necessary for there to be a formal complaints panel hearing with both parties present together. Generally, however, a formal hearing is the best way for the parents and the school, Headteacher and staff to be satisfied they have had a proper opportunity to be listened to by Governors. Everyone should be informed in advance of the order of proceedings for complaint hearings.

Both parties should make available to the panel, in advance, any written information they intend to use in the formal hearing.

At any meeting, parents may be accompanied by a friend or representative who may speak on their behalf. This person could be an interpreter of their choice and parents should be encouraged to do this where necessary.

The Chair of the panel may invite to the meeting any person who may help establish the facts of the complaint. Parents need to be told who this person is before the meeting.

Any member of staff required by governors to attend any meeting or hearing will have the opportunity to be accompanied or represented.

A member of staff named by parents in the complaint may also choose to attend a meeting even if not required to do so by Governors and may be represented. If this happens, parents should be told before the meeting

After the Investigation/Hearing

When the complaint has been fully investigated and any hearing has taken place parents should be notified of the **findings** in writing by the Chair of the panel hearing the complaint or the Governor responsible for the investigation.

The report, with findings, should, at the same time, be published to the Governing Body and will, in addition, include any **recommendations**. A meeting of the Governing Body must accept the findings but can accept, reject, or reject in part, the recommendations.

The Chair of Governors should write to the parents to confirm any actions agreed by the Governing Body. Any agreed actions must be implemented by whoever it applies to - this could include the Governing body or the Headteacher. Parents should also be informed whether they are able to take their complaint further and how to do so, if they should so wish.

A copy of the report must be sent to the Headteacher and the Head of Conciliation and Appeals (CAU) in the case of those complaints where there is a right in law to a third stage of complaint to the County Council.

If parents are not satisfied with the outcome

In most cases it is expected that parental complaints will be satisfactorily resolved following formal complaint to the Governing Body. However, should parents remain dissatisfied; the following sections explain the circumstances in which complaints can be taken further.

If Parents remain dissatisfied following the outcome of their Stage 2 hearing and wish to take their complaint further, they must do so within 20 days of receiving the written outcome of the hearing.

After 20 days, neither the school nor the Local Authority (where appropriate) are under any obligation to investigate or progress the complaint any further.

Third stage:

With the exception of complaints regarding Special Educational Needs the procedure ends with the Governing Body and there is no third stage of complaint to the Local Authority.

Parents may contact the complaints helpline for further advice but will be told there is no right of a further stage of formal investigation by the LA.

If parents who have not yet complained to their child's school contact the Local Authority, Council Officers will ask the complainant for their written consent to share information regarding their complaint with the school in question. If the complainant declines to provide their consent, the matter will not normally be taken any further. If consent is provided, the Council will pass the complainant's concerns onto the school, whilst ensuring that the complainant is made aware that this will not necessarily result in the complaint against the school being resolved or the complainant achieving the outcome they were seeking.

If the school's complaints procedure has been exhausted and the parents remains dissatisfied, they can approach the Secretary of State. Further advice is available from the Children's Legal Centre, the Advisory Centre for Education (ACE) or Family Lives (formerly Parentline Plus).

When it is a complaint about the way a school is providing for a child's Special Educational Needs.

Parents can complain further to the LA by writing to the Complaints Manager.

The Complaints Manager will acknowledge the letter and will notify the Chair of Governors and the Headteacher. The Complaints Manager will arrange for the complaint to be investigated. The investigator will seek the comments of the Governing Body and any other information or advice as necessary.

When the complaint has been fully investigated and considered, the Complaints Manager will notify Parents of the outcome in writing, giving the reasons for it, any action or proposed action to be taken and the further recourse available. A copy of this will be sent to the Headteacher, the Chair of Governors and to anyone else concerned in the investigation. This brings the third stage for Special Educational Needs complaints to a conclusion.

Parents who remain dissatisfied following further investigation of their Special Educational Needs complaint by the Local Authority have the right to complain to the Secretary of State who may decide to conduct an additional investigation. The contact details for the Secretary of State are as follows:

The Secretary of State,
Department for Education
Sanctuary Buildings

If the complaint is about bullying, the National Curriculum or Collective Worship in a Voluntary Controlled School, or about any other general matters, there is NO THIRD STAGE OF INVESTIGATION by the County Council.

Complaints to anyone other than the County Council:

Parents have the right to complain to the Secretary of State at the Department for Education (under the Education Act 1996), if they believe that the Governing Body or the LA is acting or proposing to act unreasonably (section 496), or is failing to carry out a statutory duty (section 497). This has to mean that the LA or the Governing Body is acting outside its powers, or misusing them. Only then would the Secretary of State follow up the complaint.

The Secretary of State will then contact the Governing Body or LA for information. The contact details for the Secretary of State are as above.

Where can parents get help

Parents who remain dissatisfied following the Stage 2 consideration of their complaint by the Governing Body may seek advice from the Children's Services Complaints helpline on 01992 588542.

Appendix 2 is a model leaflet for schools. It also shows other sources of help to which Parents can be signposted.

Records of complaints:

- The County Council will formally monitor Special Educational Needs complaints escalated to it under the statutory third stage of the complaints procedure.
- Schools should, as good practice, formally record and monitor all Stage 2 complaints to the Governing Body.
- Statistics may be published from time to time about the number and nature of complaints about individual schools. Publications will not include reference to any named individual. This is used to identify complaint trends and whether individual schools need particular guidance or support.
- Elected Members of the County Council will receive a report each year on any third stage National Curriculum, Collective Worship and Special Educational Needs complaints and will also receive a report on complaints about any National Curriculum and Collective Worship complaints which have been considered by schools at the second stage.
- CAU will maintain records of complaints made or referred by parents to CAU for advice. These can help the LA to identify trends and identify where schools may require particular guidance or support.
- Schools should formally record and monitor all Stage 2 complaints to the Governing Body.
- Information may be published from time to time about the number and nature of complaints. Publication will not include reference to any named individual or school.

Governing Body Review

The Governing Body will monitor the level and nature of complaints and review the outcomes in order to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole GB will not name individuals.

As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, underlying issues that need to be addressed may be identified. The monitoring and reviewing of complaints with the Governing Body is seen as a useful tool in evaluating our school's performance.

Publicising the Procedure

There is a legal requirement for the Complaints Procedure to be publicised. It is up to the Governing Body to decide how to fulfil this requirement. We will publicise our Complaints Procedure:

- on the school website;
- in the school prospectus;
- on request from the School Office.

Handling other forms of complaints:

Complaint made by one member of staff against another (including the Headteacher)

If it cannot be resolved through day to day staff management activities, the normal course of action would be to invoke the Staff Grievance Procedure.

Complaint made by a Governor about a member of staff

This should be dealt with through the Complaints Procedure outlined in this document. Clearly the Governor concerned would have to withdraw from any meeting at which the complaint or its outcome was being discussed. If the complaint is related to the *conduct* of a member of staff, it would be more appropriate to invoke the school's Disciplinary Procedures.

Complaint by a member of staff against an individual Governor acting in a personal capacity

The Chair of the Governing Body (or the Vice-Chair if the complaint is against the Chair) should attempt to resolve the matter informally. If such a resolution is not possible, and with the agreement of the Governor concerned, a panel of Governors could be set up to consider the matter as under the normal complaints procedure in this document.

Complaint by a member of staff against the action/decision of the Governing Body

If the decision was taken at a meeting of the Full Governing Body, the matter would have to be put on the agenda for review at another meeting and if the decision was then confirmed that would be the end of the matter. (For this reason it is important that matters that could potentially lead to a complaint or appeal are routinely dealt with by a committee with delegated authority, in order to allow for an appeal or a rehearing by an unprejudiced second group of Governors). If a committee or individual with delegated authority took the original decision then a panel of Governors who were not involved in the decision should review the matter, ensuring that the member of staff concerned was given an opportunity to state his/her case to the panel. Any decision by the panel would be final.

Complaint by a member of the public (not a parent)

Complaints from members of the public are most likely to be dealt with by the Headteacher and beyond that the Chairman of Governors.

Complaint by a parent whose child no longer attends the school

This procedure essentially covers complaints made by parents or carers of children who attend the school, It would not normally be necessary for school to consider complaints made 12 months after the events complained of.

However, the purpose of this Complaints Procedure is to ensure that if an error has been made, or an injustice done, some action can be taken to remedy matters for the injured party. Where parents have removed their child from the roll of a school it is clearly impossible for the Governing Body to put things right for that child. However, the Governing Body has a duty of care to the pupils who remain on roll and it would be advisable for Governors to investigate the circumstances to satisfy themselves that no-one had acted inappropriately and that procedures and policies had been followed correctly. It would be good practice to inform parents whether the complaint had been upheld or otherwise and of any changes to practice and procedures which have resulted.

Complaints regarding compliance with Data protection and Freedom of Information legislation

All schools are responsible for their own compliance with the Data Protection and Freedom of Information Acts, regardless of their status. Hertfordshire County Council is not responsible, even if the school is a Community or Voluntary Controlled School. Should the school receive a complaint concerning Data Protection or Freedom of Information compliance, the complaints process outlined in this document should be followed. Advice and guidance about DP and FOI can be found at www.ico.org.uk.

What complaints/appeal procedures are not covered by this document:

These complaint procedures do not cover:

- complaints by Governors about other Governors – contact school governance for advice
- Child Protection Procedures
- Appeals about admissions
- Appeals to Governors discipline committee against permanent exclusion from school
- Staff Disciplinary Procedures

What is the position of staff complained about:

Under these Complaints Procedures any member of school staff who is complained about will have the opportunity to respond to the complaint during its investigation. They should also be able to see any response sent to the complainant as a result of the investigation.

The school follows an entirely separate procedure in dealing with staff disciplinary matters. Therefore, if in the course of considering a complaint the Governing Body or LA concludes that disciplinary procedures should be initiated, the school (and so the Governing Body or LA as appropriate) will take separate action

by the Local Authority have the right to complain to the Secretary of State who may decide to conduct an additional investigation.

Can I complain to anyone other than the County Council?

For all other types of complaint, including those regarding Bullying, the National Curriculum or Collective Worship in a Voluntary-Controlled school, there is no third stage of complaint to the Local Authority.

However, you can complain to the Secretary of State at the Department for Education. The contact details for the Secretary of State are as follows:

The Secretary of State
 Department for Education
 Sanctuary Buildings
 Great Smith Street
 London
 SW1P 3BT
 Telephone: 0870 000 2288
 Website: www.education.gov.uk

Please note that the Department for Education will only follow up your complaint with the school or the Local Authority if they believe either might have acted unreasonably or failed to carry out a statutory duty.

Useful contact details

Chair of Governors	The school secretary can tell you who this is and pass on any written correspondence	
Complaints Team Children's Services	www.hertsdirect.org/your-council/hcc/childserv/comments/ Email: cs.complaints@hertscc.gov.uk	01992 588542
Parent Partnership Service (SEN)	www.hertsdirect.org/parentpartnership Email: parent.partnership@hertscc.gov.uk	01992 555847
Black Minority Ethnic (BME) Achievement Team - If your complaint is about racial harassment or discrimination	www.thegrid.org.uk	01438 844752
ACE (Advisory Centre for Education)	www.ace-ed.org.uk	0808 800 5793
HertsHelp	www.hertsdirect.org/hertshelp	0300 123 4044
Family Lives	www.familylives.org.uk	0808 800 2222
Carers in Herts	www.carersinherts.org.uk	01992 586969
Children's Legal Centre	www.childrenslegalcentre.com	01206 873820
Citizen's Advice Bureau	www.citizensadvice.org.uk	08444 111 444

For the attention of Headteachers and Governors :

A Toolkit for Governors gives examples of forms and letters that can be used at the different stages of the process. This will be kept with the Policy in the Policy file in the Headteacher's Office.

Policy 'owned' by: Governors' Resources Committee

Reviewed: Spring 2016 (in line with 'Model Procedures for Dealing with School-based Complaints' CSF no. 4288 - July 2015)

Reviewed: Autumn 2017 (HCC review of policy due)