



*ROBY PARK*  
*PRIMARY SCHOOL*

# **School Complaints Policy**

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## **SECTION ONE: INTRODUCTION AND AIMS**

This policy was written with reference to Department for Education's Complaints Procedure (updated January 2016), guidance published by the NAHT and guidance given to Governors through the National Governors Association.

The policy is designed to ensure that;

- All complaints are managed correctly and in accordance with all statutory guidance.
- All complaint procedures are transparent. These will be available to all children, parents/guardians, school governors, staff and other stakeholders in the school. The rights of all parties will be made clear and reinforced through this policy.
- That the rights of all parties involved in complaints are managed in a framework of professional respect.
- That the school's Vision, Values and Mission Statement are upheld by an effective complaints procedure.

### **1.1: SCHOOL COMPLAINTS PROCEDURES AND LEGAL RESPONSIBILITIES**

The School Standards and Framework Act 1998 requires schools to establish a formal complaints procedure. The procedure must make provision for complaints from different categories of person i.e. governors, parents, guardians, pupils and the general public. This is reinforced through Section 29 of the Education Act 2002

The complaints procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school and where any complaint may not be pursued through another statutory procedure. (It is anticipated that, primarily, these persons will be parents, as defined by Section 576 of the Education Act 1996, and those with parental responsibility, as defined in the Children Act 1989.)

Any procedure should include provision that "An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances." These would include serious concerns such as Child Protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

### **1.2 WHO IS RESPONSIBLE FOR MANAGING COMPLAINTS?**

The responsibility for dealing with general complaints lies solely with the school. Some complaints are dealt with under other statutory provisions (see next page). The procedures of the Local Authority and other agencies are expected to reflect existing legislation and ensure that any complaint received by them, which does not fall to them by statute to resolve, will be redirected to the school immediately and that the complainant be informed accordingly.

Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Governing Body (or LA) has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a "fair" procedure.

In formalising their complaints procedure governing bodies need to be aware that they may need to have a response mechanism to urgent or serious complaints about the head teacher or a senior staff member, a member or the Chair of the governing body and have appropriate provision in place. The processes for this are outlined in section two of this complaints policy. The responsibilities of the Governing Body's complaints procedure are also outlined in section 5 of this policy.

### **1.3 THE RANGE OF COMPLAINTS**

At Roby Park Primary we recognise that all expressions of dissatisfaction are complaints. Governing body fully accepts Department for Education guidance (January 2016):

*A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible. There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure will be invoked through the stages outlined within their procedure.*

Concerns raised are likely to be wide ranging and varied and could include complaints concerning:

- child's rate of progress at school
- concerns regarding the delivery of a school policy e.g. homework
- health and safety concerns,
- behaviour management procedures
- individual teacher's actions or attitudes toward a parent or pupil
- lack of effective action e.g. over bullying
- quality of playground supervision
- racist behaviour
- sexual harassment
- treatment of child

A formal complaint would arise if a concern was not dealt with to the satisfaction of the complainant at stage one of this policy (see section 5 for further information on the stages of the school's complaint's policy). It is vital that parents are aware of the procedure for raising concerns and all staff are directed and supported to respond appropriately.

#### **1.4 COMPLAINTS NOT COVERED BY THE PROCEDURE**

The procedure does not apply to complaints which fall to be dealt with under other statutory provisions. These will be dealt with by the Governing Body, the Local Authority or Ofsted as the school's regulator under separate procedures.

- Appropriate provision of the National Curriculum,
- Provision of Sex Education,
- Pupil Admissions,
- Exclusions
- SEN
- Staff grievance and capability proceedings
- Complaints about child protection investigations
- Complaints about the Governing Body

If these procedures are required the school must signpost complaints to the appropriate body.

#### **SECTION TWO: ELEMENTS OF A SUCCESSFUL COMPLAINTS POLICY**

The following statements summarise the practice and principles that the staff and Governing Body at Roby Park uphold in this complaints policy. They are designed to promote high quality communication, management and resolution. They provide a quality assurance framework for the management of complaints in school.

##### **2.1 BEING A LISTENING SCHOOL:**

At Roby Park Primary we encourage feedback from children, parents, carers and staff on a regular basis. Whilst, we want to hear the positive feedback, we are also keen to know how we can improve. This policy is an extension of that commitment.

**Examples of how we structure feedback:**

Children	Parents/Carers	Staff	Other Partners/Stakeholders
Regular pupil interviews	Bi-annual anonymous parent surveys	Professional interviews/enquiries	Professional Meetings
Bi-anonymous student surveys	Parents' Forum	Annual staff questionnaires	Access to direct e-mail correspondence with the head teacher/chair of governors.
School Council	E-mail contact with the school.	Effective team meetings	Website information
Worry Boxes (I wish my teacher knew)	Parent Governors	Direct access to head teacher/other senior members of staff.	
Pupil Advocates for children with SEN/safeguarding difficulties.	Parents' suggestion box	Staff Governors	
Pupil Voice Governor	Parent workshops with evaluations	Staff consultation exercises	
Messaging/school blogs etc.	Parent consultation exercises		
	Website information		
	Bi-annual anonymous parent surveys		

**2.2 MAKING SURE THAT THE INFORMATION IS EASILY ACCESSIBLE.**

Child, parents, staff and other stake holders need to know how they can raise a concern or lodge a complaint. Making a complaint cannot often cause anxiety. We accept that it is our responsibility to ensure that the complaints process is straight forward, easy to understand and accessible for all groups involved.

A summary of how we manage complaints will be available on the school website, in the prospectus and in the school foyer. **This is in appendix one.**

**Note :** At present the school has not translated this into other languages because there is no requirement for this in our school population. However, if the need arises in the future, the head teacher and Governing Body will arrange for this to be done. Equally, if required copies would be made available if audio or Braille form.

**2.3 SIGNPOSTING COMPLAINANTS**

It is important that any potential complainant is aware of the correct channel through which to pursue their complaint. This will reduce the likelihood of letters of complaint being directed, say, to the LA, Secretary of State, Councillors, MP, local paper, individual Governors. Reference to the complaints procedure will be made through the website and leaflets in the school foyer. Where appropriate the school will also signpost complainants for additional support, through established channels such as Parent Partnership.

**The list on the next page will be used to signpost complainants.**

### 2.3.1 WHERE SHOULD COMPLAINTS BE DIRECTED?

Nature of Contact	Appropriate person	Relevant Policy/Procedure
Complaint about the conduct of the head teacher (related to any of the policies/issues below)	Chair of Governors	School Staff Discipline Procedure (Confidential to School and Employees)
Complaint about school policy (content or application of)	Head Teacher (copied to the chair of Governors)	General Complaints Procedure
Concern about provision of facilities or services by the school	Head Teacher	General Complaints Procedure Specific policy
Allegation about conduct of a member of staff	Head Teacher (could be referred to LADO)	School Staff Discipline Procedure
Allegation of verbal or physical assault by employee on pupil	Head Teacher	Local Child Protection Procedures
Allegation about capability of a member of staff	Head Teacher	School Staff Competence Procedure (Confidential to School and Employee)
Conduct of another pupil (e.g. bullying)	Head Teacher	School behaviour and discipline procedures. School Anti Bullying procedures
Discipline of a pupil	Head Teacher/ Assistant Head Teacher Senior member of staff	School behaviour and discipline procedures
Content of /Failure to maintain a statement of SEN	Head Teacher /SENCO (copied to the LA if unresolved) also seek support from Parent Partnership	SEN Policy LA procedures
Admissions	Local Authority	Admissions Procedure Admissions Appeal Procedure
Exclusion	Chair of Governors LA (in the case of a permanent exclusion or appeal against a decision by the Governing Body)	Exclusion Appeal Procedure
Failure to provide NC Entitlement or Inappropriate Curriculum	Head Teacher (copied to the Chair of Governors) LA (if not satisfied with the response of the head teacher)	LA Procedure
After School Club	Club Manager Head Teacher (if not satisfied with the response of the head teacher).	After School Club Policy
Non school run extended Services	Manager of relevant service (copied to the head teacher for information)	Procedures of Service Provider

Decision to remove licence for a person to enter school premises (banning)	Chair of the Governing Body	GB Appeal Committee
Complaint regarding conduct of a governor/governing body	Clerk to the Governing Body	



## **2.4 PROMOTING RESOLUTION AND EFFECTIVE COMMUNICATION**

The procedure is designed to ensure that, wherever possible (and appropriate), an informal resolution is attempted. In most cases we recognise that effective communication and understanding resolves the majority of issues. All stages of the complaints procedure should be investigatory rather than adversarial. Complaints must be treated as a professional procedure.

Some other existing complaint procedures include a “hearing” stage, where the subject of the complaint is questioned in the presence of the parent or by the parent. The absence of such a stage in this procedure is deliberate as its inclusion creates an opportunity for confrontation, which runs counter to the resolution of any complaint.

### **2.4.1 SUPPORT FOR THE COMPLAINANT**

We acknowledge that making complaints causes difficulties for the complainant. As part of our commitment to being a listening school, we want them to be able to access information, advice and advocacy. Therefore we offer support, if required, through referrals to;

- WIRED Parent and Child Advocacy service
- Citizens Advice Bureau
- Knowsley Behaviour and Inclusion Officer
- Education Social Welfare Officer
- Parent Governors (if desired)
- Pupil Voice Governor

Parents, children or other stake-holders making complaints will be made aware that if they consider it appropriate, they are welcome to be accompanied by a friend, a relative or a representative at any stage of the procedure.

### **2.4.2 REDRESS AND RECONCILIATION**

The outcome of a complaint investigation may show that the school has made mistakes. This policy is designed to ensure that the rights of the complainant are respected, whilst seeking to promote reconciliation so that trust and a positive working relationship are restored.

The outcome of a valid complaint will result in acknowledgement followed by one or more of the following;

- An explanation,
- An apology,
- An undertaking to review school policies or practices in the light of the complain
- If required redress for any claims to the school’s indemnity insurers.

### **2.4.3 STAFF AWARENESS AND TRAINING**

School staff, including non-teaching staff, are familiar with the school’s procedures on complaints. This will help to ensure that communication about complaints is effective. Office staff, teaching staff and teaching assistants can all advise complainants about the process. Their default position will be to refer any complaints to a senior member of staff.

Staff will also have access to clear information leaflets about our school’s complaints procedure. These will be available in the office foyer or on the school website.

Senior staff are committed to these procedures and have received training to ensure that complaints are dealt with professionally and respectfully.

## **2.5 MANAGEMENT OF COMPLAINTS**

Our complaints policy will be managed professionally with clarity of expectations and procedures for all parties involved.

### **2.5.1 COMPLAINTS SHOULD BE RESOLVED WITHIN A REASONABLE TIMESCALE**

Our complaints procedures will address the complaints as speedily as possible and be consistent with fairness to all concerned. Experience will probably demonstrate that at **stage one** of the complaints procedure (see section four) many concerns can be dealt with and resolved immediately. We expect that all informal complaints will be resolved at the point of contact or as soon as possible. Where a concern cannot be dealt with immediately, the employee dealing with the issue will arrange a meeting as soon as possible.

At a minimum we are committed to the following;

- The informal stage of a complaint will be administered within 5 working days.
- Any formal investigation of any complaint or review request shall begin within 5 school days of receipt of the complaint, save in exceptional circumstances (this will normally be when legal advice is required or staff are on absent from school).
- The investigation shall be completed as soon as reasonably practicable. We aim to ensure that all complaints are resolved within 10 school days, save in exceptional circumstances (this will normally be when legal advice is required or staff are on absent from school).

If complaints progress to **stage two** (see section four) and require a meeting with the head teacher or another senior member of staff, these meeting will take place as soon as possible and within a maximum timescale of 5 days.

### **2.5.2 SUBMISSION OF COMPLAINTS**

We reasonably expect all complaints to be submitted within three months. Complaints will **normally** not be considered unless they are raised within a three month time scale. There are exceptional circumstances where this will not apply. These are;

1. When the complaint relates to statutory issues or has any legal implications.
2. The complaint has arisen because of information that has only recently been discovered/disclosed.
3. The complainant has needed support/advocacy to make the complaint.

### **2.5.3 COMPLAINTS CONCERNING THE HEADTEACHER, A GOVERNOR OR THE GOVERNING BODY**

Complaint regarding the head teacher must be referred to the Chair of Governors. The complainant can appeal against the decision of the Chair within a maximum of 15 school days of receipt of the decision letter (The appeal can only relate to the process followed by the Chair of Governors, not the outcome of that complaint).

The Governing Body can either delegate the appeal to the complaints committee, or may, where they think it appropriate, appoint 3 other governors to form a complaints panel to investigate and make a recommendation by majority decision to the Governing Body.

Complaints regarding a governor/governing body should be sent to the clerk of the Governing Body.

### **2.5.4 COMPLAINTS CONCERNING THE CHAIR OF GOVERNORS**

A senior member of staff or Head teacher, upon receiving a formal complaint against the Chair, must notify the clerk, who must then table the complaint at an extraordinary meeting of the Governing Body. This complaint will then be discussed by the Governing Body. The Chair must withdraw from any discussion. The Governing Body may either decide to refer the matter to the Local Authority, or must refer the complaint to the Complaints Committee of the governing body.

### **2.5.5 COMPLAINTS BY PUPILS**

These are taken very seriously and the school ensures that in all issues, complaints are investigated and that parents are informed for advocacy. We are a Rights Respecting School and fully support the rights of a child to be protected, heard and treated equitably and fairly.

#### **2.5.6 WITHDRAWAL OF COMPLAINTS**

Formal complaints may be withdrawn at any stage by notice in writing.

### **2.6 ENSURING CONFIDENTIALITY**

Confidentiality is crucial to the integrity of a complaints policy. Therefore we will make it clear to any person who raises a concern that the school will treat the matter with a high degree of confidentiality and asks the complainant to do likewise. This is more likely to meet with a favourable response if the complainant is convinced that the school is taking their concern seriously and is actively seeking to resolve the matter.

It is very important to treat conversations and correspondence with discretion. It is vitally important that complainants feel confident that their complaint will not penalise their child. However, from the outset all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure. The head teacher and members of the senior management team may feel it appropriate to be accompanied by another member of staff when dealing with some complaints.

Equally a complainant may also seek somebody to support them when they submit a complaint (see section 2.4.1 for further information).

#### **2.6.1. MANAGING ANONYMOUS COMPLAINTS**

A school will seek to maintain as much confidentiality as possible for complainants. However, they cannot encourage anonymous complaints. Anonymous complaints can result in injustice and harassment of staff and cause unnecessary stress and anxiety. The school will usually follow official guidance to disregard anonymous complaints unless somebody is prepared to substantiate them. Anonymous complaints can result in injustice and harassment of staff and cause unnecessary stress and anxiety.

However, the danger in this is that it may result in a serious allegation being overlooked. If an anonymous complaint relates to safeguarding or any other criminal allegations then the head teacher will make preliminary investigations and decide on a course of action with other senior members of staff and the Chair of Governors. This will be recorded on the complaint and kept on record. If the complaint is about the head teacher, then this process will be managed by the Chair and Vice of Chair of Governors.

The school has other policies to support whistle blowing procedures with staff.

#### **2.6.2 SUPPORT FOR A PERSON COMPLAINED AGAINST**

Staff who may be questioned as part of a complaints procedure investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case. They should be told about the procedure and be kept informed of progress. There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially. Professional confidentiality will be respected at all times.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure which puts the complaints procedure on hold. If so, the complainant should be informed of this and any non-disciplinary aspects of the complaint should be dealt with by the usual complaints procedures; the complainant should be “up-dated” on likely further delays to a response. It may be clear after the disciplinary procedures have been completed that particular responses to the complainant are required.

Processes for supporting a complainant are outlined in section 2.4.1

## **2.7 REPORTING OUTCOMES OF A COMPLAINT**

The member of staff managing the complaint at an informal stage will report back to the complainant verbally or through brief correspondence.

All formal complaints (from stage two onwards) and any written replies will be recorded. They will be securely stored in the head teacher's office. If there are complaints about the head teacher, the Chair of Governors will ensure that formal records are kept of this and inform the head teacher about these.

Complaints will be monitored by the Chair of Governors on behalf of the Governing Body.

In advising complainants of the outcome of their complaint it is important to be most circumspect in the details provided. To do otherwise may prejudice the ability of any employee complained about to continue in post. The release of certain information might be an obstacle to the fair application of disciplinary/capability procedures or otherwise contravene the employee's employment or data protection rights

## **2.8 APPEALS REGARDING THE COMPLAINTS PROCESS.**

In the event that a complainant believes that the appropriate procedures have not been followed, by the person dealing with their complaint, the complainant may request that the governing body reviews the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, will not be accepted.

If the complaint is about the conduct of a senior member of staff investigating the complaint, it will be dealt with by the head teacher.

If the complaint is about the conduct of the head teacher investigating the complaint, it will be dealt with by the Chair of Governors or delegated to other members of the Governing Body.

Any governors involved in the process will receive prior training for their role. The Chair of the Governing Body will co-ordinate this training annually with the head teacher.

Guidance for the Governing Body's Complaints procedure is included in section 5

## **2.9 PREVENTING VEXATIOUS COMPLAINTS**

This complaints procedure is designed to facilitate resolution of concerns with the minimum of conflict. Therefore, it is important that the procedure adopted carries the confidence of all interested parties so that its use secures "closure".

Procedures to prevent complaints escalating into vexatious or personal conflicts are outlined in section three.

## **2.10 Recording Complaints**

Schools must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact:

A complaint may be made in person, by telephone, or in writing; In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point; Schools should record the progress of the complaint and the final outcome. The head teacher is responsible for these records and must hold them centrally.

### **SECTION THREE : ROBY PARK PRIMARY 4 STEP APPROACH TO COMPLAINTS**

This guidance document suggests a four-stage complaints procedure to manage complaints from **parents, guardians and members of the general public** starting with an informal stage for concerns and ending with an appeal to the governing body.

The **first stage** deals with concerns which have the potential to be managed by the majority of the staff during the course of their duties. These are classified as **informal complaints**. These are quickly resolved and not recorded.

Complaints dealt with at **stage 2** should either be managed by the head teacher or a senior member of staff. These are classified as the first stage of the formal complaints procedure. All parties should be informed if this is a formal complaint and records kept of these. The school encourages all parents to submit these complaints in writing. If they are not, the a brief form will be completed by the senior member of staff to record the complaint (see appendix 2). This will be signed by the complainant.

When a formal complaint arises and is not dealt with to the satisfaction of the complainant, it will first be addressed by the head teacher at **stage 3**, if they have not been involved at stage 2.

Finally complaints will be resolved by the governing body at **stage 4**.

There will be a mechanism for terminating spurious complaints and those brought by vexatious complainants. **See appendix 1 of this procedure.**

## OUR SCHOOL'S 4 STEP COMPLAINTS PROCEDURE

### STAGE 1 – MANAGING INFORMAL COMPLAINTS

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or office staff or Headteacher, depending on whom the complainant first approached. These are not recorded.

Complainants must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing.

At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take the issue further. The school has an obligation to ensure that any serious complaints are managed under stage two of this procedure and appropriately recorded.

#### **A model procedure for schools to use at Stage 1**

Complainants may be offered an opportunity to discuss their concern with the appropriate member of staff designated to deal with the situation who will clarify with the complainant the nature of the concern, and reassure them that the school wants to hear about it. The member of staff may be able to explain to the complainant how the situation happened. It can be helpful to identify at this point what sort of outcome the complainant is looking for.

If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name, contact address or phone number and a brief note on the nature of the complaint and either;

- Arrange a further meeting within 5 working days
- Refer to a senior member of staff to enquire/respond to the complaint. This may include the head teacher.

It is not acceptable to leave an enquiry or issue unresolved at this stage.

If the concern relates to the Headteacher, the complainant will be advised to contact the Chair of the Governing Body, giving them details of how to do so. The Chair of Governors will record this under stage 2 of the complaints procedure.

If the staff member dealing with the concern feels that there needs to be any changes to school policy or formal processes put in place, they will make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things. This escalates the complaint to stage 2 of the process.

Where no satisfactory solution has been found within a maximum of 10 school days, complainants will be asked if they wish their concern to be considered further and referred to the head teacher. If required support strategies for the complainant will be considered.

### STAGE 2

#### **GUIDELINES FOR DEALING WITH COMPLAINTS**

At stage 2 it has become clear that the concern is a definite complaint. This is now being managed and recorded formally. In some cases the Headteacher or senior member of staff will already have been involved in looking at the matter; in others it is his/her first involvement. In either case, it is helpful for the Headteacher (or the person delegated to investigate) to use guidelines to ensure consistency

among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

As Headteachers have responsibility for the day-to-day management of their schools, they also have responsibility for the implementation of a complaints procedure, including the decisions about their own involvement at various stages. One of the reasons for having various “stages” in a complaints procedure is to reassure complainants that their grievance may be heard by more than one person.

### **A model procedure for school to use at Stage 2**

The Headteacher (or designate) acknowledges the complaint orally or in writing, within a maximum of 3 school days of receiving the complaint, confirming the exact nature of the complaint.

The school will then ensure that;

- The formal investigation of any complaint or review request shall begin within 5 school days of receipt of the complaint, save in exceptional circumstances (this will normally be when legal advice is required or staff are on absent from school).
- The investigation shall be completed as soon as reasonably practicable. We aim to ensure that all complaints are resolved within 10 school days, save in exceptional circumstances (this will normally be when legal advice is required or staff are on absent from school).

If necessary, the Headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It will be made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.

If necessary, the Headteacher (or designate) could interview witnesses and take signed statements from witnesses and those involved. If the complaint concerns a pupil, the pupil identified will be interviewed. The pupil will preferably be interviewed with another member of staff present and in the case of a serious complaint with their parents present.

The Headteacher (or designate) will keep a written record of the complaint and investigation. This may include any relevant interviews, telephone conversations, and other documentation. Once all the relevant facts have been established, the Headteacher (or designate) will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. Complainant will be advised that if they are unhappy with the way that the complaint has been managed they can ask for their complaint to be referred to the head teacher (if s/he has not been involved already).

If the complaint is about the conduct of a senior member of staff investigating the complaint, it will be dealt with by the head teacher.

If the complaint is about the conduct of the head teacher investigating the complaint, it will be dealt with by the Governing Body.

If a complaint is against the action of a Headteacher, the Chair of the Governing Body will carry out all the Stage 2 procedures.

### STAGE 3

#### **RECONCILIATION STAGE**

This stage in the procedure can follow Stage 2 where the earlier stage has been investigated by a senior member of staff other than the Headteacher.

If the complainant is not content with the decision reached by the designate in response to their complaint they may then refer the matter to the Headteacher. An agreed period of time for this to take place could be established –within a maximum of 15 school days.

The Headteacher will endeavour to resolve any complaint referred to them at this stage and will seek to arrange a meeting with the complainant as soon as practical. The meeting offers an opportunity to reassess all the issues, discuss any further findings from the Headteachers investigation, clarify the action to be taken by the school and allay the complainants worries in order to seek reconciliation.

In some circumstances it may be appropriate to seek advice from third parties (Local Authority, NAHT etc)

In the event that a complainant believes that the appropriate procedures have not been followed, by the person dealing with their complaint, the complainant may request that the governing body reviews the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, will not be accepted.

If the complaint is about the conduct of a senior member of staff investigating the complaint, it will be dealt with by the head teacher.

If the complaint is about the conduct of the head teacher investigating the complaint, it will be dealt with by the Governing Body.

Any governors involved in the process will receive prior training for their role. The Chair of the Governing Body will co-ordinate this training annually with the head teacher..

### STAGE 4

#### **GUIDELINES FOR A COMMITTEE OF GOVERNORS DEALING WITH COMPLAINTS**

The Governing Body's Complaints' Committee will only convene in two circumstances;

- They have received a serious complaint about the head teacher that the chair feels should be managed by the Complaints Committee.
- They have received notice that a complainant believes that the appropriate procedures have not been followed, by the person dealing with their complaint, the complainant may request that the governing body reviews the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, will not be accepted.

The Clerk to the Governing Body will write to the complainant to acknowledge the Chair of Governors has received a written request for a review. The letter could also explain that the complainant has the right to submit any further documents relevant to the complaint. These will be made available immediately so that they can be circulated to all committee members.

The committee of the Governing Body will set a timetable for the investigation and will communicate the timetable to the complainant. This will be within a maximum of 10 working days.



The Clerk to the Governors will arrange to convene the Complaints Committee nominated from members of the Governing Body. (It may be necessary for the Governing Body to appoint reserves to this committee to ensure that three governors are available to carry out their task within the set time).

The Complaints Committee members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the committee; otherwise the Vice-Chair should do so. **The head teacher will not have a place on this committee.**

The Chair/Vice Chair should ensure that the complaint is heard by the committee within a maximum of 15 school days of receiving the letter. All relevant correspondence regarding the complaint must be made available to the committee members at least 5 school days before the hearing.

The Chair/Vice-Chair/Clerk will write and inform the complainant, Headteacher, and any other relevant witnesses, and members of the committee at least 5 school days in advance, of the date, time and place of the meeting. The notification to the complainant will also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the committee.

The Chair/Vice-Chair of the Governing Body will invite the Headteacher to attend the committee meeting and prepare a written report for the committee in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report will be received by all concerned – including the complainant – at least 5 school days prior to the meeting.

The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the committee.

It is the responsibility of the Chair of the committee to ensure that the meeting is properly minuted.

The aim of the meeting will be to resolve the complaint and achieve a reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

The committee will remember that many complainants are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the committee. It is therefore recommended that the Chair of the committee ensures that the proceedings are as informal as possible.

If either party should intend to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The meeting will allow for

- the complainant to explain their complaint and the Headteacher to explain the school's response
- the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff (if invited to be present by the Chair of the committee) about the school's response
- committee members to have an opportunity to question both the complainant and the Headteacher

- any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
- final statements by both the complainant and the Headteacher.

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

The committee will then consider the complaint and all the evidence presented and;

- (a) reach a unanimous, or at least a majority, decision on the complaint
- (b) decide upon the appropriate action to be taken to resolve the complaint
- (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

A written statement outlining the decision of the committee must be sent to the complainant and Head teacher.

The chair will ensure that parents are aware that they can complain to the Secretary of State for Education and Employment if they are unhappy with the outcome of the review or the investigation into the head teacher.

The school will ensure that a copy of all correspondence and notes are kept on file in the school's records.

## **SECTION FOUR: GUIDANCE FOR GOVERNING BODY'S COMPLAINTS COMMITTEE**

### **4.1 Role**

The committee has the power to make decisions on behalf of the governing body and may;

- uphold the complaint
- uphold it in part, or
- dismiss it

Where the issue under consideration does not fall within the remit of the committee, the members may still wish to make recommendations. A Complaints Committee will be appointed at the Governing Body meeting in the Autumn Term. The composition of this Committee will be considered carefully. Dealing with any complaints that reach this stage is likely to be challenging but careful planning early on can avoid unnecessary complications. Consider the following:

#### **4.1.2 Membership**

The most important point to remember is that any Complaint Committee members will not have had previous significant involvement with the complaint under review. For example, it would be better as a principle not to appoint

- a parent governor who potentially is likely to have significant involvement because of regular visits to the school site or a teacher governor.

A Chair of Governors who has been briefed by the head teacher regarding any stage of the complaint.

Whoever is appointed should be prepared to attend any meeting at short notice.

It is suggested that three governors (excluding the Headteacher) form the Complaints Committee. Substitutes will be appointed to take the place of any committee member who might be unavailable. The minutes of the Autumn Term governors' meeting will show exactly who will be called for a meeting and in what order.

#### **4.1.3 Chair**

Where possible the Governing Body will appoint a Chair for the Complaints Committee at the same time as they decide on the membership of the committee. This avoids uncertainty all round and allows the Chair of the committee to take control of the situation before the meeting as well as during and after it. This is essential for a successful outcome. Previous experience of chairing a meeting is preferable. Governors will be aware that these meetings can be difficult and that the unexpected frequently occurs.

#### **4.1.4 Clerk**

The clerk will draw up the agenda and make all the necessary arrangements for the meeting.

### **4.2 COMPLAINTS COMMITTEE MEETING**

#### **4.2.1 Before a meeting**

A copy of the agenda, the complaint, and any written response from the Headteacher will be sent to Complaints Committee members and the Chair of Governors at least five school days before the meeting. Each member must immediately read the papers to check that they have no significant involvement with the case under consideration, but should not discuss it with anyone else. If they need to withdraw from the committee the clerk will organise a substitute. It is essential to withdraw at this stage so that a substitute can be arranged.

#### **4.2.2 Practical arrangements**

The tone of the meeting is often set by what happens when the complainant first arrives.

Therefore it is worth the Chair considering the following:

- *What time will participants be asked to arrive?*
- *Who will greet participants when they arrive?*
- *Will anyone wait with them?*
- *Where will other people wait? (Separate places for complainants and school representatives may be advisable).*
- *Will there be any refreshments provided?*
- *Where will the meeting take place?*
- *How will the meeting room be arranged? (Small informal arrangements are usually best)*
- *What route will the complainant and school representatives take to the meeting room?*

#### **4.2.3 The meeting**

The model agenda is attached.

The same rules apply as for other committee meetings of governors. For example, governors are not bound to accept tabled papers and may adjourn if they feel that they need time to consider an unexpected issue, including procedural issues.

#### **4.2.4 Chair's role**

During the meeting

- Take control of the meeting with confidence; use their judgement to move the meeting on when necessary and aim towards a resolution by coming to a conclusion on the written and oral evidence presented at the meeting.
- Convey to all concerned that as Chair you are acting impartially by treating all participants even handedly.
- The complainant and the Headteacher (with their friends/advocates) will be invited in and asked to leave together.
- At the discretion of the Chair witnesses will be invited to join the meeting when their input is required and to leave immediately afterwards

- It is not appropriate for a child/pupil to attend.
- Having ascertained the names of all those waiting outside the meeting room, start the meeting by agreeing with the committee who will be invited in to speak to the committee and in what order; at no time will the complainant, Headteacher or a witness be able to talk to committee members without both the complainant and Headteacher being present; these arrangements may have to be modified if one or more of the parties have absented themselves from the meeting.
- If witnesses are waiting, the Chair will try to ensure that they are called in due course if required or sent home early if it becomes apparent that they will not be seen.
- Once the main participants have joined the meeting, explain the proceedings.
- Begin to hear the complaint being firm about keeping to the agenda and reminding participants as necessary about the procedure, e.g. if interruptions occur.
- Bear in mind that all participants will be under stress; be even-handed in the treatment of all participants.

#### **4.2.5 Explaining the proceedings**

- Introduce the people round the table.
- Explain that the agenda will be followed.
- Run down the items briefly and let the participants know if they will be able to hear the decision at the end of the meeting.
- If the complaint is complex and there are some aspects of it that fall outside the committee's remit, clarify this and explain exactly which aspects of the complaint can be addressed by the committee; later, advise the complainant as to how best to follow up any complaint that could not be dealt with by the committee.

Alternatively, the committee may wish to consider making representations to the responsible authority for those areas that fall outside its remit (SEN, admissions etc).

- Make it clear that although the meeting will be as informal as possible, it is intended to keep to the agenda to allow everyone to have a fair hearing.
- Explain that the complainant will speak without interruption and then allow the headteacher and complaints committee members to ask any questions to clarify any issues raised; then the headteacher's response will be heard, again without interruption and there will be an opportunity for the committee and the complainant to ask any questions about what has been said and so on.
- Indicate any time limits to adhere to.

#### **4.2.6 Concluding the discussion**

- It is important that all the participants feel that they have had every opportunity to be heard but if they are beginning to repeat themselves at the "further questions or points" stage, move the meeting on by proceeding to the summing up. The complainant and headteacher will then be invited to sum up if they wish but if the issues are clear, formal summing up may not seem to be appropriate.
- Confirm the arrangements for the participants to receive the decision of the meeting.
- Write down the decision of the committee so this can be accurately recorded in the minutes.
- If the participants are invited back to hear the decision, make it clear to all parties that no further discussion is possible.

#### **4.2.7 The decision letter and minutes**

- The clerk to the Complaints Committee will send a copy of the decision letter to the complainant, headteacher, chair of the complaints committee and chair of governors. Copies must be sent to the chair of the Committee
- The clerk to the complaints committee will write the minutes and send them to the governing body clerk for distribution to the rest of the governing body; the minutes will record the procedure followed, the decision reached and any recommendations made.

#### **4.3 FORMAL COMPLAINT TO A SCHOOL'S GOVERNING BODY (regarding the conduct of the head teacher or the administration of the complaints procedure).**

##### **MODEL AGENDA**

1. Apologies.
2. To consider members' declaration of interests, entitlement to vote and any requirements to withdraw from the meeting.
3. To confirm the order of the procedure.
4. To agree whether the decision will be conveyed orally to all parties at the end of the meeting (as well as in writing afterwards).
5. Invitation to complainant and headteacher to join meeting and introduction to governors.
6. Introduction and explanation of procedure.
7. To note the role of the clerk at the meeting.
8. Complainant's presentation and witnesses and questions to both by headteacher and/or governors.
9. Headteacher's response and witnesses and questions to both by complainant and/or governors.
10. Any further questions or points from any of the parties.
11. Opportunity for summing up by headteacher.
12. Opportunity for summing up by complainant.
13. Summing up by the Chair.
14. Complainant and headteacher leave meeting.
15. To decide on the complaint. The committee can:
  - uphold the complaint in full
  - uphold it in part, or
  - dismiss it.
16. To consider whether and how to refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the headteacher.
17. To inform the complainant and the headteacher of the governing body's decision and further rights of representation (if agreed at 4 above).
18. Confidentiality: to consider whether any items are confidential and will therefore not be available to persons wishing to inspect governing body papers.

## APPENDIX ONE: Leaflet on school complaints

### **If you have a concern or complaint**

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you are wanting to tell us, our support and respect for you and your child in the 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 which has happened some time ago.

### **What to do first**

Most concerns can be sorted out quickly by speaking with your child's class teacher or another key member of staff (office staff, out of hours manger etc).

If your concerns cannot be managed by this member of staff, you can request an appointment with the Assistant Headteacher; Mrs Helen McLoughlin.

If you have a concern which you feel will be looked at by the Headteacher in the first instance, you can contact our head teacher; Mrs Kat Allen. It is usually best to discuss the problem face to face. You may need an appointment to do this. You can arrange an appointment by ringing or calling in to the school office. You can take a friend or relation to the appointment with you if you would like to so that they can support you.

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 you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

### **What to do next**

If you are dissatisfied with the teacher's response (or with the head teacher's initial reaction if he/she has already been involved) you can make a formal complaint to the head teacher. This should be made in writing or by requesting a meeting. Help with this is available from <http://www.ace-ed.org.uk/advice-about-education-for-parents/advice-booklets-and-briefings/making-a-complaint>

If your complaint is about an action of the head teacher personally, then you should refer it to the Chair of Governors now. You can contact our chair of governors;

Mrs Heather Hadley

Chair of Governors

Roby Park Primary School

c/O School Office at Roby Park Primary School

or e-mail at: [heatherhaddley@robyparkprimary.co.uk](mailto:heatherhaddley@robyparkprimary.co.uk)

You may also find it helpful at this stage to have a copy of the full statement of the general complaints policy and procedure as this explains in detail what procedures are followed.

This is available from the school office and is on the school's website

The Head teacher (or Chair of Governors) will ask to meet you for a discussion of the problem. Again you may take a friend or someone else with you if you wish. The Head teacher (or Chair of Governors) will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a verbal or formal written response to your complaint.

### **If you are still unhappy**

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the Governing Body to ask for referral of your complaint to the Complaints Committee of the governing body. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the committee at a meeting which the Head teacher will also attend. The General Complaints Procedure statement explains how these meetings operate.

### **Further action**

Complaints about school problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to an outside body such as the Ombudsman (in rare circumstances but particularly in relations to admissions) or the Secretary of State for Education and Skills. Again there is more information on this in the General Complaints Procedure.

### **Independent Advice**

We acknowledge that making complaints causes difficulties for the complainant. As part of our commitment to being a listening school, we want them to be able to access information, advice and advocacy. Therefore we offer support through referrals to;

- Citizens Advice Bureau
- Knowsley Behaviour and Inclusion Officer
- Education Social Welfare Officer
- Parent Governors (if desired)
- Pupil Voice Governor

Parents and carers can receive independent advice from both the National Confederation of Parent Teacher Associations and the Advisory Centre for Education, 1c Aberdeen Studios, 22 Highbury Grove, London N5 2DQ. Both organisations may offer advice but will not support individuals in pursuit of a complaint.

If your complaint is regarding the conduct of a Governor or the Governing Body:

Please write to:

Clerk to Governing Body

Private and Confidential Complaint

c/o Roby Park Primary School Office

or e-mail on [kirstiecarroll@robyparkprimary.co.uk](mailto:kirstiecarroll@robyparkprimary.co.uk)

## APPENDIX TWO: Policy on managing aggressive behaviour and barring orders

### Roby Park Primary School

This policy was an appendix to the school's complaints policy.

#### Statement of principles

The governing body of Roby Park Primary School encourages close links with parents and the community. It believes that pupils benefit when the relationship between home and school is a positive one.

The vast majority of parents, carers and others visiting our school are keen to work with us and are supportive of the school. However, on the rare occasions when a negative attitude towards the school is expressed, this can result in aggression, verbal and or physical abuse towards members of school staff or the wider school community.

The governing body expects and requires its members of staff to behave professionally in these difficult situations and attempt to defuse the situation where possible, seeking the involvement as appropriate of other colleagues. However, all members of staff have the right to work without fear of violence and abuse, and the right, in an extreme case, of appropriate self defence.

We expect parents and other visitors to behave in a reasonable way towards members of school staff. This policy outlines the steps that will be taken where behaviour is unacceptable. Types of behaviour that are considered serious and unacceptable and will not be tolerated:

- shouting at members of the school staff, either in person or over the telephone;
- physically intimidating a member of staff, eg standing very close to her/him;
- the use of aggressive hand gestures;
- threatening behaviour;
- shaking or holding a fist towards another person;
- swearing;
- pushing;
- hitting, eg slapping, punching and kicking;
- spitting;
- breaching the school's security procedures.

This is not an exhaustive list but seeks to provide illustrations of such behaviour. Unacceptable behaviour may result in the local authority and the police being informed of the incident.

#### Procedure to be followed

If a parent/carer behaves in an unacceptable way towards a member of the school community, the head teacher or appropriate senior staff will seek to resolve the situation through discussion and mediation. If necessary, the school's complaints procedures will be followed.

Where all procedures have been exhausted, and aggression or intimidation continue, or where there is an extreme act of violence, a parent or carer may be banned by the head teacher from the school premises for a period of time, subject to review.



In imposing a ban the following steps will be taken:

1. The parent/carer will be informed, in writing, that she/he is banned from the premises, subject to review, and what will happen if the ban is breached, eg that police involvement or an injunction application may follow
2. Where an assault has led to a ban, a statement indicating that the matter has been reported to the local authority and the police will be included
3. The chair of governors/LA will be informed of the ban
4. Where appropriate, arrangements for pupils being delivered to, and collected from the school gate will be clarified.

### **Conclusion**

The local authority itself may take action where behaviour is unacceptable or there are serious breaches of our home-school code of conduct or health and safety legislation.

In implementing this policy, the school will, as appropriate, seek advice from the Local Authority's education, health and safety and legal departments, to ensure fairness and consistency.

This Policy will be reviewed annually.



**Actions undertaken by senior member of staff to address the complaint are:**

**Outcome of investigation and feedback to person making complaint:**

<b>Was the complaint resolved?</b>	Yes	No
<b>Does the complaint require any changes to school policy or practice?</b>	Yes	No
<b>Is the person making the complaint happy with the resolution?</b>	Yes	No
<b>Does the complaint need to be referred to the Governing Body's complaints committee?</b>	Yes	No

**Signed:**

(senior member of staff/governor/clerk to governors)

**Date:**