



Complaints Policy

Adopted by the Governing Body of Hathaway Primary School on 16 June 2015

Signed by:

Chair of Governing Body

Date:

Committee with oversight for this policy –	FGB
Policy / Document due for review	June 2017

Hathaway Primary School – COMPLAINTS POLICY

Date reviewed:	16 June 2015	Date of next review:	June 2017
Committee responsible for review of policy:	FGB	Linked policies:	Equality Child Protection

Aims

Hathaway Primary School greatly values the relationship between the school and its stakeholders, and wishes to promote good communications at all times. The purpose of this policy is to provide a supportive framework in which stakeholders can raise concerns with the school so that these concerns can be discussed and a resolution achieved in a speedy, fair and equitable manner.

This policy is based on the principle that, where at all possible, concerns and complaints will be dealt with informally, and stakeholders will be encouraged to share their concerns with a member of staff at the earliest opportunity. On the rare occasion where this is unsuccessful in resolving a complaint, the formal procedures outlined will give the complainant a route that ensures the issue is appropriately dealt with.

Principles

Governors and staff at Hathaway Primary School recognise that things can go wrong. In dealing with complaints, we will aim to:

- Strengthen parental confidence and relationships between parents, school and the wider community
- Respond to all concerns and complaints in an open and consistent manner
- Resolve concerns through informal discussions at the earliest stage
- Be speedy, with well-defined timescales and named contacts
- Focus on resolution and service review rather than blame
- Be accessible to people with disabilities, special needs or language barriers
- Promote confidentiality and discretion, both by the school and the complainant
- Provide support to any member of staff complained against
- Indicate other sources of advice eg Citizens Advice Bureau, parent/partnership services, Advisory Centre for Education and Local Authority Complaints Adviser
- Be forthright in dealing with vexatious, abusive, malicious and anonymous complaints
- Ensure that the policy and procedures are known to parents, staff and governors.

Scope of Policy

This policy should be used for all complaints, except in the following situations where other statutory regulations or Children's Services procedures are available.

- Children's Services decisions on special education needs assessment and school placements
- School admissions and transfers
- Exclusions
- Staff employment issues
- Staff Grievance
- Staff Disciplinary
- Financial impropriety or other criminal activity
- Alleged child abuse

This policy should also be followed for complaints about the national curriculum, religious education and related matters. However, in this case, it is possible to appeal further to Children's Services if the school's procedures do not resolve the complaint.

Procedures

The school has adopted a staged approach to dealing with complaints, as detailed in Appendix A. It is not usually appropriate for any stage to be omitted, except in cases where a complaint concerns the actions of the Headteacher, in which case complainants may proceed directly to Stage 2 and put their complaint in writing to the Chair of Governors.

Concerns or complaints will usually be received by a member of the teaching staff who should endeavour to resolve the complaint informally, as detailed in the Preliminary Stage of the attached procedure. If a member of the office staff receives a complaint, they should direct the complainant to the relevant member of staff as soon as possible. If a governor receives a complaint, they should direct the complainant to contact the school directly, offering their support in doing this if necessary. If such a complaint is in writing, this should be acknowledged within 48 hours, and then passed to the Headteacher for investigation, copying the Chair of Governors for information. An individual governor should not normally conduct an investigation unless directed to do so.

Vexatious or anonymous complaints

A vexatious complaint is one that is repeatedly or obsessively pursued, is seeking unrealistic outcomes, or is pursued in an unreasonable manner. In such cases, the Chair of Governors may use their discretion to write to the complainant informing them that the matter is considered closed. Anonymous complaints will not normally be responded to, but the Headteacher or Chair of Governors will need to consider whether the issue is one of child protection, or if the fear of identification is genuine, and act accordingly.

Abusive complaints

Verbal aggression can be as intimidating as physical aggression. All parties have a right to be treated with courtesy and with respect. If staff feel threatened, they should report their fears to the Headteacher, who will consider:

- writing to the complainant requesting that the behaviour cease;
- setting restrictions for further contact with staff; and/or
- reporting the incident to the police.

Consideration will be given to filing a Violent Incident Report form and seeking advice from the Local Authority. If a telephone caller becomes aggressive or offensive, the person taking the call should explain that they will end the call if the behaviour persists. If they need to hang up, they should record this action and any further incidence. Repeated abusive or aggressive contacts can be considered as harassment and the Headteacher will consider reporting them to the police. The Headteacher may seek further advice from Legal Services in the Chief Executive's Department.

Recording

All written complaints received by the school will be logged by the Headteacher and filed in the Head Teacher's office, noting the date and details of the complaint. Records of the subsequent investigations, any correspondence and the outcomes of each stage of the proceedings will be kept on file for six years.

Monitoring

The Headteacher will report general details about any written complaints termly to the next available Resources Committee meeting. The committee will review the policy biannually or sooner if the need arises to ensure that the procedures are effective in resolving complaints, and to ensure that any underlying issues are addressed.

Other relevant documents

This policy should be read in conjunction with the Ealing Council guidance on complaints procedures, and Ealing's procedure for complaints about the national curriculum, religious education and other matters. Should a complaint launch a disciplinary procedure then the relevant policy will be followed.

Signed: _____ Date: _____

(to be signed by Chair of Committee or Chair of Governors, once policy has been approved)

Attached:-

Appendix A: Staged approach to handling complaints

Appendix B: Guidance notes for parents

Appendix C: Guidance notes for staff and governors

APPENDIX A – STAGED APPROACH TO HANDLING COMPLAINTS

Please note that in this document the word 'parent' is used to assume anyone with parental responsibility or daily care of a child.

AN INFORMAL APPROACH

1. The Preliminary Stage

1. Hathaway Primary School places great emphasis on this informal approach to achieve a satisfactory resolution for all parties at the earliest opportunity. Effective communication systems and complaint-handling strategies will help in this.
2. We encourage parents to speak informally with an appropriate member of staff as soon as they have a concern. Depending on the nature of the concern, the first point of contact will normally be the child's class teacher, or Phase Leader.
3. If the concern is about the Headteacher, we encourage parents in the first instance to discuss their concerns with the Headteacher. However, depending on the circumstances, they may wish to approach the Chair of Governors.
4. If the appropriate member of staff cannot resolve the problem directly, he/she will make a note of the date and details, agree to investigate and indicate how and when they will inform the complainant of the outcome.
5. If the concern is sufficiently serious or the appropriate member of staff is unsure how to handle the matter, he/she will discuss it with the Headteacher or senior member of staff.
6. At this stage, the Headteacher may wish to contact the complainant directly.
7. Most concerns will be dealt with informally to everyone's satisfaction but, failing this, parents may wish to initiate a formal complaint.

THE FORMAL PROCESS

Stage 1: Complaining to the Headteacher

1. If an informal approach has not satisfactorily resolved a concern, parents should write to the Headteacher, giving details of the concern and enclosing any appropriate paperwork.
2. Depending on the nature of the concern, the Headteacher, or a designated senior member of staff, will respond to the parent in writing as soon as possible. Our standard practice will be to acknowledge any complaint within 48hours of receipt.
3. If the complaint requires an in-depth investigation, the Headteacher or designated senior member of staff, will acknowledge this and let the complainant know that a full response will take longer than usual. Our standard practice will be to investigate the complaint and prepare a response within 20 school days of receipt.
4. After investigation, the Headteacher will arrange to meet the complainant. The Headteacher may have a colleague or representative with them. The Headteacher will keep written records of meetings, telephone conversations and other relevant documentation including how the issue was resolved.

5. Complainants may have an adult friend or representative with them.
6. Minutes will be taken by the Clerk or a designated member of the School office staff.
7. In order to prevent any misunderstandings and ensure that all parties have a clear record of progress and/or agreements, the Headteacher or designated senior member of staff will, following any meeting with parents, summarise the main points in a follow up letter.
8. If a parent remains dissatisfied, the Headteacher will decide when to give a final response and refer the parent to Stage 2 of the complaints process. The Headteacher will offer support to parents in making a written complaint.
9. It is particularly helpful to establish the desired outcomes of a complaint at an early stage. Responses might include: an apology; a review of a decision; an explanation; an assurance that an incident will not be repeated; a meeting with a member of staff; or an official investigation.

Stage 2: Complaining to the Chair of Governors or Nominated Governor

1. If a concern has not been satisfactorily resolved by the Headteacher, parents should write to the Chair of Governors via the School office. Parents should send a letter, outlining their complaint, explaining their reasons for pursuing it beyond the Headteacher's response and enclosing any relevant paperwork.
2. On receipt of a written complaint, the Chair of Governors will acknowledge receipt of the letter. The Chair of Governors will discuss the matter with the Headteacher and make a written response within five working days to the complainant, offering a meeting if necessary between the Headteacher, parent and Chair of Governors.
3. Both parties will be advised by the Clerk or Chair that they may be accompanied by a friend or representative at the hearing. Minutes will be taken by The Clerk of the Governing body.
4. When acknowledging receipt of complaints, the Chair or Nominated Governor will describe Governors' powers relating to complaints and remind parents not to write to other Governors, explaining that it would make it difficult to set up a Panel of three Governors who have had no prior involvement in the case. The Chair will also remind parents that the Governing Body has a largely strategic role, responsible for the School's strategic framework, including its aims and objectives, priorities and targets and policies to achieve those aims and objectives. The Headteacher is responsible for the internal organisation, management and control of the school and for advising on and implementing the Governors' policies. The Headteacher is solely responsible for making day to day decisions.
5. This stage offers an opportunity for achieving conciliation between all parties. Informal discussions between the Chair of Governors and the Headteacher will be key to resolving the complaint and agreeing a way forward. This should prevent any further escalation of the disagreement.
6. The Chair of Governors or nominated governor will decide who is responsible for dealing with the issues involved and what powers are, therefore, available to Governors in respect of the particular complaint. In reaching this decision, the Chair of Governors or nominated governor will determine to what extent the issues relate to responsibilities that:
 - (a) are delegated to the Headteacher by the Governing Body; or
 - (b) fall within the Governing Body's remit only; or
 - (c) are within the Headteacher's Terms and Conditions of Employment and relate to the internal

organisation, management and control of the school.

7. For delegated responsibilities and matters within the remit of the Governing Body, the Chair of Governors or nominated governor may look at the whole issue afresh
8. If the matter relates to the Headteacher's conduct, the Chair of Governors or nominated governor will decide whether the matter should be dealt with through the Complaints Procedure or Staff Disciplinary Procedure. Advice may be sought from the Local Authority Complaints Adviser, and/or Education Personnel Services.
9. For matters that are the Headteacher's responsibility, the Chair of Governors or nominated governor is empowered only to look at whether the Headteacher's decision or action was reasonable in the light of the information available at the time.
10. In the rare circumstances that a parent is unhappy with the outcome, the Chair of Governors or nominated governor may offer a right of appeal to the Governing Body's Complaints Panel.

Stage 3: Review by the Governing Body

1. Parents should write to the Clerk to the Governing Body describing the issues in detail and saying why they are dissatisfied with the outcomes of the previous stages.
2. The Clerk to the Governing Body will acknowledge within 5 days the request for a hearing by the panel of elected Governors. The clerk will remind parents not to write to Governors individually, explaining that it would make it difficult to set up a Panel of three Governors who have had no prior involvement in the case.
3. The Clerk to Governors will remind parents of the extent of Governors' powers and of the two forms of appeal available at this stage.

3.1 RECONSIDERATION (CONSIDERING AFRESH).

When the issues relate to delegated responsibilities, the Governors' Complaints Panel can reconsider the matter. They may look at the matter afresh, with any new information of which the Headteacher may not have been aware at the time of the original response or action. In the light of additional information, the Panel may decide to write and ask the Headteacher to give the matter further consideration. Complaints about a Governor will also be subject to a reconsideration of the issues.

3.2 REVIEW

If the matter falls within the Headteacher's decision-making remit, by virtue of his or her Terms and Conditions of Employment, then the Panel will have the power only to review the decision, not to consider the matter afresh. The Panel may look at whether the decision or action was unreasonable. An unreasonable decision might be one that is irrational: a decision that no reasonable headteacher, properly aware of his or her duties and properly taking into accounts the facts of the case before him or her, would make.

The Panel will need to consider the facts as they were known to the Headteacher at the time and then consider whether the Headteacher:

- (a) failed to take account of a relevant consideration; and/or
- (b) took into account an irrelevant consideration; and/or
- (c) made a 'perverse' decision in the light of the evidence available at the time.

If new evidence does come to light, the Panel will refer it back to the Headteacher, who may consider amending the decision in the light of that new information.

In deciding whether the Headteacher's decision was perverse, the Panel will judge whether the decision was one that, on the facts, was open to the Headteacher to make; that is, within a reasonable range of responses in the light of the evidence available.

4. The complainant will be informed that a panel of three members of the Governing Body will hear the complaint within 20 working days of receiving the request for a panel hearing. The Clerk will arrange a suitable date and time for the hearing.
5. The panel must consist of three governors with no prior knowledge of the complaint, with one of them taking the role of Chair. Governors will be selected in order from the panel as determined at the start of the academic year. The Headteacher should not sit on the panel.
6. Both the complainant and the Headteacher will provide the clerk with any documentation to be used at the hearing, and the names and addresses of any witnesses to be called, at least 5 days before the hearing takes place.
7. The Clerk will distribute all documentation to both parties and to members of the panel at least three days before the hearing.
8. Both parties will be advised by the clerk that they may be accompanied by a friend or representative at the hearing.
9. The Clerk will minute the meeting.
10. The involvement of staff other than the Headteacher is at the discretion of the panel Chair.
11. The aim of the meeting is to resolve the complaint and achieve reconciliation between school and complainant. However, it may only be possible to establish facts and make recommendations that will satisfy the complainant that the complaint has been taken seriously.
12. Many complainants may be unused to speaking to a group of people in a formal situation. The Chair should therefore ensure that proceedings are kept as informal as possible.
13. The procedure to be followed at the hearing is as follows:
 - Both parties enter the hearing
 - Chair of panel explains purpose of meeting and introduces those present
 - Complainant presents their case
 - Questions from the Headteacher and the panel
 - The Headteacher presents their case
 - Questions from the complainant and the panel
 - Both parties sum up their case
 - Both parties withdraw.
 - The panel considers the case without the Headteacher or parent present. It may recall the parent, Headteacher or their representatives as necessary for further discussions until it reaches a unanimous or majority decision and then writes to both parties within two days to advise them of their findings. If necessary, changes to the school's procedures will be recommended to ensure that the same situation does not arise again. The letter will include:
 1. a summary of the issues

2. an outline of the main points of the discussion
3. the reasons for the decision
4. proposed actions or outcomes
5. details to whom any further appeals can be made.

14. The panel does not have any disciplinary powers. Should it reach the conclusion that there is a possibility that an employee may have conducted themselves in an unprofessional manner; the matter should be referred to the Headteacher or the Chair of Governors who will consult with appropriate officers of the Children's Services.
15. The Panel's letter may suggest that the parents meet the Headteacher again to agree a way forward.

4. Role of the Local Authority

The Local Authority may offer a further right of appeal for parents who have exhausted the School's procedures if the complaint is about a school failing to:

- provide the National Curriculum for a particular child;
- follow the law relating to charging for school activities such as school trips;
- offer approved qualifications or syllabuses;
- provide Collective Worship and Religious Education;
- provide the information a parent may require;
- carry out any other statutory duty in relation to the curriculum;
- act reasonably in any of the above cases.

1. For general complaints about a school, the Local Authority has no remit or powers beyond reminding schools of their legal obligations. Therefore, for individual general complaints, which relate to internal school matters and have exhausted the School's own Complaints Procedure, there is no right of appeal to the Local Authority, because it has no powers to direct the school to change its decision.
2. If a complaint cannot be resolved further, Headteachers, Governors and parents, or other complainants may seek advice from the Local Authority .

Further information

This is the extent of the school Complaint's Procedure. Complaint's about school problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to the Secretary of State for Education.

APPENDIX B: Guidance Notes for Parents

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 your complaint, our support and respect for you and your child will not be affected in any way. Please tell us of your concern as soon as possible as it is difficult for us to investigate properly an incident or problem that has happened some time ago.

What to do first

Most concerns and complaints can be sorted out quickly by speaking with an appropriate member of staff. If you have a complaint that you feel should be looked at by the Headteacher in the first instance you can contact them straightaway. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling in to the school office. You can take an appropriate person or representative to the appointment with you if you want to. All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the problem. It may also help to prevent a similar problem arising again.

What to do next

If you are dissatisfied with the designated member of staff's response you can make a complaint to the Headteacher in writing. Help with this is available from one of our governors or the Children's Services. At this point the complaint is now considered confidential and should only be discussed with relevant persons. If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors. You can contact the Chair via the School Office. You may also find it helpful at this stage to have a copy of the Complaints Policy as this explains what procedures are followed. This is available from the school office and on the website. The Headteacher will ask to meet you for a discussion of the problem. Again you may take an appropriate person or representative with you if you wish. The Headteacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

The next stage

If you are not happy with the response that you receive from the Headteacher, you may then write to the Chair of Governors to ask them to review your complaint and the Headteacher's response. The Chair of Governors will discuss the matter with the Headteacher and may arrange a meeting between you, the Chair and the Headteacher to try and resolve the situation.

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 a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the panel at a meeting that the Headteacher will also attend.

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 Local Education Authority or the Secretary of State for Education and Skills.

APPENDIX C: How to Listen to Complaints - Guidance Notes for Staff and Governors

As soon as you realise that you are listening to a complaint, please remember these points:

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| Don't pass the buck | Try not to keep transferring an angry person from one place to another. Make sure you know the contact person for anything you cannot deal with yourself |
| Don't be flippant | First impressions count; you and the school may be judged on your immediate reaction |
| Treat all complaints seriously | However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain |
| Treat every complaint the individually | Even if you have already received several similar complaints same day, it is probably the person's first chance to have their say |
| Be courteous and patient | Be sympathetic and helpful, but do not blame other colleagues |
| Say who you are | If you are unknown to the person, introduce yourself |
| Ask for their name and special use it | Anonymous complaints are acceptable only where there are circumstances |
| Take time to find out exactly what the problem is | It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed |
| Don't take the complaint Personally | To an angry or upset person, YOU are the school, and the only one they can put their feelings to right now |
| Stay cool and calm | Do not argue with the person - be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong |
| Check you are being understood | Make sure that the person understands what you are saying.
Don't use jargon - it can cause confusion and annoyance to someone "not in the know" |
| Don't rush | Take your time. Let people have their say, and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step |

Afterwards

Make your own written notes.