Complaints Policy

Sir John Heron Primary School

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1 Introduction

We believe that our school provides a good education for all our children and that the Headteacher and other staff work very hard to build positive relationships with all parents and the wider community. However, the school is obliged to have procedures in place in case there are complaints by parents or members of the public. The following policy sets out the procedure that the school follows in such cases.

2 Aims and Objectives

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

3 Who can make a complaint?

Anyone can make a complaint about any provision of facilities or services that our school provides, unless separate statutory procedures apply (such as exclusions or admissions). This includes:

- ➢ parents or carers of children no longer at the school;
- ➢ members of the public.

Complainants will be given the opportunity to complete the complaints procedure in full, unless the school possesses clear evidence that the complaint meets the serial complaint criteria.

If the complaints process has been completed and the complainant contacts the school again on the same issue, the correspondence may then be viewed as ‘serial’ or ‘persistent’ and the school may choose not to respond. The school will not mark a complaint as ‘serial’ before the complainant has completed the procedure. However, anonymous complaints will be dealt with under a different procedure (see below).

4 How can a complaint be raised?

A complaint may be made:

- ➢ in person, by telephone or in writing (see Appendix A form which may be used for written complaints);
- ➢ by a third party acting on behalf of the complainant.

The school will need to ensure that you have written consent from the complainant before disclosing information to a third party.

Data Protection Complaints

Under Data Protection Law, individuals have the right to raise concerns or make complaints about the way their personal data has been handled. This includes concerns about how the School collects, stores, uses, shares, or secures personal data, as well as how the School has responded to a previous data protection related request (for example, a Subject Access Request).

Please refer to Appendix 3 and 4 of our Data Protection Policy for details on how to specifically make a complaint related to data protection, and our data protection complaints procedure. Complaints should be directed to the Headteacher via info@sirjohnheron.newham.sch.uk.

5 Audio or video evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings.

Unless exceptional circumstances apply, the school will refuse to accept, as evidence, any recordings of conversations that have been obtained covertly and without informed consent of all parties being recorded.

The DfE do not normally accept electronic recordings as evidence when they are asked to consider a complaint. However, they may accept independently notarised transcriptions of recordings. The DfE may also ask for the written consent of all recorded parties.

6 Legal representation

Complaints are not legal proceeding and therefore legal representation is not required at any stage. In the event that a complaint progresses to the panel stage, the DfE guidance makes it clear that they do not recommend that either the complainant or the school bring legal representation. These meetings are not a form of legal proceedings. The aim of the panel of governors should be:

- ➢ Reconciliation
- ➢ To put right things that may have gone wrong

7 Meetings / communication with complainant

The school may arrange to meet the complainant face-to-face or discuss concerns over email or the phone, but where this is not possible, meetings may be arranged virtually.

8 The Complaints Process

a) <u>Stage 1 Complaint - Informal:</u>

The complaint is dealt with by an appropriate staff member (e.g. class teacher), who is not the subject of the complaint.

The initial communication from the complainant to the member of staff may be by letter, telephone conversation or in person by appointment.

In the vast majority of cases, a concern can and should be resolved by contacting the appropriate member of staff in the first instance. This may be the class teacher, head of year, or other designated staff member directly involved with the reported problem.
All teachers work very hard to ensure that each child is happy at school and is making good progress; they always want to know if there is a problem so that they can take action before the problem seriously affects the child's progress.

- The school will acknowledge the complaint within 2 working days.
- The complainant must allow the designated staff member 5 working days to respond to the concern.
- If this does not lead to a resolution of the concern/s raised, then the complainant must be informed and an extension given and/or
- The concern/complaint must be referred to the next stage of the complaints process, which is the commencement of the formal process.
- The complainant is informed of the next process in writing.

b) Stage 2 Complaint - Formal (if unresolved at Stage 1):

Where a parent/carer/member of the public feels that a situation has not been resolved through contact with the Stage 1 designated officer, or if their concern is of a sufficiently serious nature the Headteacher will hear the complaint. The Headteacher considers any such complaint very seriously and investigates each case thoroughly.

If the complainant is dissatisfied with the response from the member of staff at Stage 1, they should be advised to put their complaint in writing to the Head Teacher who will deal with it formally at Stage 2.

Where the Headteacher is the subject of the complaint, the complainant must write to the Chair of Governors to deal with the complaint. In this case, Stage 2 of the procedure will be bypassed and go straight to Stage 3 of the formal procedure and heard by the Chair of Governors or another appropriate person.

The complainant must include details of why they are still dissatisfied and what action they would like to resolve the complaint, and may attach any evidence to support their concerns.

- The school will acknowledge the complaint within 5 working days. The Head Teacher / designated officer may feel it necessary to meet with the complainant, notes of which will be kept as part of the investigation.
- The complainant must allow the designated staff member 20 working days to respond (including to investigate, look at previous findings and respond to the concern).
- If this does not lead to a resolution of the concern/s raised then the complainant must be informed and an extension given.

- The complainant will be written to with the outcome and also informed of the next process.

Most complaints are normally resolved at this stage. The Headteacher logs all formal complaints received by the school and records how they were resolved.

c) Stage 3 Complaint - Formal (if unresolved at Stage 2):

Where a complainant feels that the situation has not been resolved by the Headteacher at Stage 2, or whereby the Headteacher is the subject of the complaint, they should write to the Chair of Governors for consideration at Stage 3 of the procedure. The Chair or Vice Chair of Governors, or if necessary, another member of the Governing Body, will hear the complaint.

If the complaint is about a member of the governing body, or the entire governing body, the school may:

- Chair/Vice Chair to deal with complaint
- Other designated person to deal with complaint
- Seek support from another school's governing body to investigate
- Seek support, advice and guidance from School Support Management or the Governing Support Services.

The complainant must ensure that they include details of why they are still dissatisfied with the decision, and include the recommendations and actions from the Stage 2 complaint and what they require to resolve the complaint. The Chair of Governors will consider the complaint seriously and will look at all information pertaining to the complaint and any investigatory evidence by the school at Stages 1 and 2.

- The Chair/Vice Chair will acknowledge the complaint within 5 working days.
- The Chair/Vice Chair or designated person may feel it necessary to meet with the complainant to establish further facts and obtain further information. The designated person can seek support to arrange this via School Support Services. Meeting notes will be kept.
- The complainant must allow the designated staff member 20 working days to respond (including to investigate, look at previous findings and respond to the concern).
- If this does not lead to a resolution of the concern/s raised then the complainant must be informed and an extension given.
- Once satisfied that the investigation has been concluded and a decision has been reached on the complaint, the designated person will notify the complainant in writing of the conclusion.
- The conclusion could be:
  • The evidence indicates that the complaint was substantiated and therefore upheld
  • The complaint was substantiated in part and what action will be taken
  • The complaint is not substantiated by the evidence and therefore not upheld
- The complainant is informed if they are still dissatisfied they can write to the Governing Body directly via the school or, School Management Support (SMS) at The Education Space (NPW), outlining why they feel the complaint is unresolved and how they feel it could be resolved.

d) Stage 4 Complaint – Formal – (if not resolved at Stage 3):

The Governing Body hears the complaint.

If the complainant is dissatisfied with the response from the Chair of Governors (or designated person) at Stage 3 they should be advised that the next stage is to put their complaint in writing to the Governing Body at Stage 4. The letter can be sent to the school or to School Management Support at The Education Space.

This complaint must be made in writing, stating the nature of the complaint and how the school has handled it so far. The complainant must ensure they include why they are dissatisfied with the decision at Stage 3, recommendations and actions of the Stage 3 complaint, and what they feel would resolve the matter. They may also attach any evidence to support their complaint.

- If the complaint is received by the School, then the school will contact School Management Support who can provide support, advice and assistance with process or follow the process below:

A panel of Governors (preferably 3) who form a complaints appeal panel considers the complaint. The panel must be independent and impartial. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it.

Where possible, the panel will have a cross-section of categories of governors and will be sensitive to the issues of race, gender and religious affiliation. If appropriate, the panel can be made up of governors from another school. The School will ensure that details of complaints are not shared with the whole governing body at any stage while they are still being considered/investigate, in case governors are required for the complaints panel, (this allows for an impartial panel).

The panel must convene a meeting to discuss the complaint and all the investigation evidence to make a final decision on how to progress. A clerk should be appointed to take notes of the meeting and records must be kept.

The headteacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the governing body. Therefore, the remit of governors' consideration of a complaint about a matter of internal organisation and control will be as to whether the head teacher has followed any relevant school policies; it is not to substitute its own operational judgement for that of the head teacher.

The panel can decide:

- To convene a meeting with the complainant. If a meeting is to be convened, the person chairing the meeting either the Chair or Vice-chair (whoever did not deal with the complaint at Stage 3), will write to the complainant to acknowledge the complaint within 10 school days. The letter would also include the date, time and venue of the convened meeting to hear the complaint.

- Decide on the appropriate action to be taken to resolve the complaint.
- For non-complex complaints, not to meet with the complainant, but to use all the information available to them and decide on the complaint as there is enough information to allow a decision to be made.

Possible outcomes for the Panel:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Recommend changes to school systems or procedures to ensure that similarly do not occur.

An outcome letter will be sent to the complainant within 20 school days of the meeting.

The letter will inform the complainant of the Stage 5 process.

e) Stage 5 – (once the school complaints procedure has been exhausted)

The outcome letter from the School Complaints Panel exhausts the 4 Stage procedures.

If the complainant is dissatisfied with the process, they are able to contact:

Department for Education
Piccadilly Gate, Store Street
Manchester, M1 2WD

Helpline: 0370 000 2288

The DfE will examine if the school complaints policy and any other relevant processes were followed. The DfE will also examine policies to determine if they adhere to education legislation. The DfE's role is to review the complaints and look at the handling of the complaints at the earlier stage and the procedure applied. Schools must ensure that they follow their procedure correctly, and keep accurate recording of communication with the complainant at every stage, ensuring timely, being reasonable and acting lawfully.

9 Monitoring and Review

The Governors monitor the complaints procedure in order to ensure that all complaints are handled properly.

Governors take into account any local or national decisions that affect the complaints process and make any modifications necessary to this policy. This policy is made available to all parent/carers/members of the public so that they can be properly informed about the complaints process.

The policy will be reviewed every two years.

Appendix A

Complaints Form

Please complete and return to the school office.

Your name:	
Pupil's name (if relevant):	
Your relationshiop to pupil (if relevant):	
Address: Postcode: Daytime telephone number: Evening telephone number:	
Please give details of your complaint:	

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?
What actions do you feel might resolve the problem at this stage?
Are you attached any paperwork? If so, please give details

Signature:	
Date:	
OFFICIAL USE	
Date acknowledgement sent:	
By Who:	
Complaint referred to:	
Date:	