

WELLESLEY PRIMARY SCHOOL

COMPLAINTS POLICY

1. **Introduction**

This document is a statement of rationale, purposes and broad guidelines for dealing with complaints at Wellesley Primary School.

2. **Rationale**

Wellesley Primary School offers an open, friendly environment where parents, staff and governors work together to give children every opportunity to be confident and happy learners. There may be occasions when parents and carers have concerns; we encourage parents to discuss concerns with school staff at the earliest opportunity in order to resolve any concerns as soon as possible. The Complaints Policy lays down a procedure whereby parents and others are able to express their concerns in an open and honest way. We treat all complaints seriously and aim to resolve them as early as possible. Sometimes a parent or carer may contact a governor directly about a complaint; if this happens it is important that the concern or complaint is referred formally through the procedure set out by the governing body and that individual governors do not act unilaterally by investigating any complaint or make a prior judgement about it.

3. **Purpose**

- To establish a procedure for dealing with complaints relating to the school, as required by section 29(1)(a) of the Education Act 2002.
- To ensure complaints are investigated fairly.
- To ensure parents and school Governors have clear written procedures for dealing with all complaints.
- To ensure complaints are dealt with promptly.
- To ensure appropriate feedback is given to the complainant at all stages.

Complaints in the following categories are not the responsibility of the Governors and will be referred to the Local Authority:

- 3.1 Complaints about the curriculum.
- 3.2 Complaints about admission to school.
- 3.3 Complaints about failure to assess a child's special educational needs.
- 3.4 The exclusion of pupils from school.
- 3.5 Child protection.

4. **Guiding Principles for dealing with complaints**

Complaints will be handled with care. Parents are encouraged to express their concerns in an open and honest way. Parents are also asked to keep their complaint confidential whilst it is being investigated and dealt with by the school or governors. An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. Any complaint or concern received by the school or governors will:

- Ensure a prompt response.
- Ensure a thorough and fair investigation which addresses all points at issue.
- Respect confidentiality.
- Provide adequate feedback to the complainant.
- Provide appropriate feedback internally, which may include discussion with any member of staff who was the subject of the complaint.

To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.

All parties concerned should act in a calm professional manner at all times. Meetings will be terminated at once if this ethos is not maintained.

It is totally unacceptable to confront a staff member in an aggressive manner. The school reserves the right to call the police in extreme circumstances.

The vast majority of complaints are resolved by informal contact. Problems sometimes arise where complainants do not like the outcome, which can lead to protracted correspondence and become very time consuming. On very rare occasions a complaint may be considered vexatious when it has been properly considered and dealt with, but the complainant is not prepared to accept the conclusion or persists in making the same or a number of unreasonable complaints. This can unreasonably take up time and resources and detract from the responsibility of others in the school community. Any complaint, which at any stage of the complaints process, is deemed to be vexatious in nature will be rejected.

If at any stage during the investigation of the complaint it becomes apparent that the complainant is seeking some form of financial compensation, then the investigation will be suspended while advice is sought from the Risk and Insurance Manager on how to proceed.

Where during an investigation it becomes apparent that there may be a need for disciplinary action against a member of staff the complaints procedure will be suspended. The Head of School's Personnel will be consulted for advice. If the complaints procedure is suspended the disciplinary investigation will be conducted in line with the Education Services Personnel Guidelines for schools.

The complainant is not entitled to have access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.

If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education and Skills.

Complaints will be treated in strictest confidence in order to (a) protect those involved, and (b) ensure that our unbiased appeal panel of governors will be available if needed. The Governing Body will be informed only in general terms of the action.

Records of complaints will be kept by the Governing Body for a period of 6 years.

5. Complaining about a member of staff other than the headteacher

Concerns should be raised with the school as soon as possible.

Most concerns will be easily resolved by discussions with the class teacher and parents or carers. Initially any concerns should be raised with the class teacher in the first instance. The class teacher may make a record of this meeting. The class teacher will try and deal with the concern of the parent within 5 working days of meeting the parent in the first instance.

Where concerns have not been resolved, the parent or classteacher may approach the Deputy Headteacher to discuss the concern. The Deputy Headteacher will then meet with the parent/carer and or teacher to resolve the concern informally. The Deputy Headteacher will try and respond to the concern within 5 working days. A record will be made of the nature of the concern at the meeting with the Headteacher/Deputy Headtecher and the parent.

If a concern is not resolved at the informal stage, the complainant must put the concern in writing using the standard complaint form (found in the annex to this policy) and address the complaint to the School's Business Manager (and post or hand deliver to the school) who will log the complaint and pass it to the Headteacher who will then be responsible for ensuring that the complaint is investigated. The School's Business Manager will issue an acknowledgement to the complainant within 5 days of receipt of a complaint.

The school aims to resolve all concerns before they become a formal complaint. If a letter of complaint is received and there is no evidence that informal steps have been followed, except in exceptional circumstances, the complainant will be referred back to the appropriate point in the process. Any unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith.

The complainant should include details which might assist the investigation, such as

names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Headteacher, or his representative may meet with the complainant to clarify the complaint.

At an early stage the person delegated to look at the complaint will clearly define the specific aspects of the complaint to be investigated and these will be confirmed by the complainant at the earliest possible stage i.e. during the first interview. A written record will be made of all interviews conducted.

In order to investigate a formal complaint the Head Teacher or his representative will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who may be the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish.

When the investigation has been concluded, the complainant, and where applicable the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. [Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released]
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential [e.g. where staff disciplinary procedures are being followed]

The complainant will be told that consideration of their complaint by the school is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the school in handling the complaint. Any such request must be made in writing within 5 days of receiving notice of the outcome from the school, and include a statement specifying any perceived failures to follow the procedure.

The governing body will only review complaints where there is clear evidence that:

- **The complainant has made reasonable efforts to resolve any concerns informally and**
 - **The school has not followed its own policies and procedures or**
 - **The decision made by the school regarding its investigation into the complaint is clearly perverse.**

The governing body will not review the process on the basis that a complainant does not like the outcome.

Any complaint regarding the Headteacher must be referred in writing to the Chair of Governors.

6) Complaining about the actions of the headteacher

A) Informal stage

The complainant is usually expected to arrange to speak directly with the Head Teacher (Good practice would encourage the headteacher to have a member of staff present during any meeting where a complaint is raised). [In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body] Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith. Any such view will be the judgement of the Chair of Governors or in the absence of the Chair, the Vice Chair of Governors.

B) Formal Stage

If the complaint is not resolved at the informal stage, the complainant must put the concern in writing using the standard complaint form (found in the annex to this policy) and address the complaint to the School's Business Manager (and post or hand deliver to the school) who will log the complaint and pass it to the Chair of Governors. The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint. The School's Business Manager will issue an acknowledgement to the complainant within 5 days of receipt of a complaint. If it is determined that the complaint is "General", the Chair will arrange for its investigation.

At the initial stage the written complaint will be looked at by the Chair of Governors to decide whether all informal steps to resolve the issue complained about have been exhausted. If this is not found to be the case the complainant will be informed and asked to go back and resolve their concern according to which stage of the complaints process that has been missed out. If the parent or carer is not willing to explore informal resolutions for their concern, then the Chair will inform the complaints panel of this and the default position of the complaints panel will be to reject complaints where informal steps have not been followed.

If all informal steps have been exhausted the Chair of Governors will then decide whether it is appropriate to investigate the complaint or whether it falls within one of the five categories which need to be referred straight to the Local Authority.

Any complaint deemed to be vexatious in nature will be rejected at the initial stage.

If it is found that all informal channels mentioned above have been explored the complaint does not fall into one of the five categories which must be passed onto the local authority and it is not considered to be vexatious then it will be passed to the Chair

if the Complaints Panel to be investigated. The Complaints Panel will have an initial meeting within ten working days of receipt of a complaint from the Chair of Governors.

7) Terms of Reference for Complaints Panel

- a. A Chair of Complaints Panel should be appointed from and by the Governing Body.
- b. The Complaints Panel will consist of a maximum of three Governors, being a broad representation of the members of the Governing Body, but not including the Headteacher or Chair of Governors. The members of the Panel will be appointed as the need arises by agreement between the Panel Chair and Chair of Governors or Acting Chair of Governors. The chair of the panel should have undertaken training provided by the Local Authority on dealing with complaints from parents.
- c. It is assumed that the role of the Panel will be consultative and/or advisory.
- d. Complaints will be treated in strictest confidence in order to (a) protect those involved, and (b) ensure that our unbiased appeal panel of governors will be available if needed. The Governing Body will be informed only in general terms of the action.

8) Complaint investigated

Where it is appropriate for the matter to be dealt with by the Complaints Panel, any investigation is likely to require meeting separately with the complainant and any other person(s) involved in the complaint. At an early stage the panel will clearly define the specific aspects of the complaint to be investigated and these will be confirmed by the complainant at the earliest possible stage i.e. during the first interview. A written record will be made of all interviews conducted.

The Head Teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Head Teacher to consider this, he/she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. The Head Teacher may be accompanied at this meeting by a friend or representative.

9) Consideration of the Case

All information received is assessed by the Complaints Panel to determine if the case is justified, and if so, what remedial action should be taken.

The Complaints panel during their investigation will only consider whether or not the Headteacher has:

- followed school policies and procedures
- or acted in a perverse or unreasonable manner

The complaints panel will consider all of the evidence and information obtained during the investigation process and consider it in line with the school's written procedures and policies. The panel will also take into account any future implications of any decisions they make before they are communicated with either party.

10)The Resolution

When the investigation has been concluded, the complainant and the Head Teacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair is now concluded.

If the complainant is not satisfied with the outcome of the investigation carried out by the Chair of Governors they may request that the Governing Body review the handling of the complaint by the chair.

The governing body will only review complaints where there is clear evidence that:

- **The school has not followed its own policies and procedures or**
- **The decision made by the school regarding its investigation into the complaint is clearly perverse.**

The governing body will not review the process on the basis that a complainant does not like the outcome.

Any such request must be made in writing within 5 days of receiving notice of the outcome from the Complaints Panel, and include a statement specifying any perceived failures.

11)The Review Process

If the complaint is to be passed on to the Review Panel, the complainant must put the concern in writing using the standard complaint form (found in the annex to this policy) and address the complaint to the School's Business Manager (and post or hand deliver to the school). The School's Business Manager will issue an acknowledgement to the complainant within 5 days of receipt of a complaint.

A Chair of Review Panel will be appointed from and by the Governing Body.

The Review Panel will consist of a maximum of three Governors, being a broad representation of the members of the Governing Body, but not including the

Headteacher or Chair of Governors. The members of the Panel will be appointed as the need arises by agreement between the Panel Chair and Chair of Governors or Acting Chair of Governors. The chair of the panel will have undertaken training provided by the Local Authority on dealing with complaints from parents.

Any review of the process followed by the Head Teacher or the Chair shall be conducted by a panel consisting of members of the Governing Body.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite the Head Teacher or the Chair of the Complaints Panel, as appropriate, to make a response to the complaint.

The Review Panel during their investigation will only consider whether or not the Headteacher or Complaints Panel have:

- followed school policies and procedures
- or acted in a perverse or unreasonable manner

The complainant, and the Head Teacher or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation [where this is practicable]

A model letter is included in the annex.

Where the complainant is still not satisfied with the outcome of the Review Panel then they must appeal to the Secretary of State for Education. No further appeals will be considered by the school.

Reviewed: Spring 2011

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Wellesley Primary School Complaint Form
Please complete and return to The School Business Manager.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time 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 attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: