

SCHOOL COMPLAINTS POLICY

Statutory Policy
Amended: Spring 2019
Adopted by the Governing body: Summer 2019
To be reviewed: Summer 2022

Vision Phrase

'Aim high and smile'

We are committed to safeguarding and ensuring the health, safety and well-being of all pupils in accordance with safeguarding procedures and guidance for staff outlined in the school's Health and Safety, Child Protection, Security and Safeguarding policies.



**Please refer to the Parent's and Carers' brief Guide which accompanies this policy.
(Appendix 3)**

Policy Statement

It is in everyone's best interests in our school and community to communicate well with one another and to ensure that any concerns and complaints are dealt with as quickly and appropriately as possible. In addition, concerns and complaints brought to the attention of the school can be an opportunity to inform, review and help improve school procedures.

This policy has been developed after consulting:

- Complaints Policy Working Group, consisting of headteachers and local authority representatives
- Headteachers' Steering Group
- Schools, Skills and Learning Consultative Group
- Governors' Network and Diocesan representatives
- Department for Education (DfE) School Complaints Guidance
- Best practice from other local authorities

Aims and principles of the policy

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly and within defined time limits where possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good working relationships between our school and all those involved

Key principles of the policy are:

- The legal context of the Complaints Policy
- Accessibility – useable format, free from jargon, assuming no specialist knowledge
- Good communication – clarification of the process involved in dealing with complaints
- Clear and adhered to recommended timescales (where appropriate)
- Clarity over roles and responsibilities of those involved in the process
- Appropriate confidentiality which must be maintained by all involved in the process (including any school staff, administrative staff and governors)

Legal context

From September 2003, Section 29 of the Education Act 2002 has required governing bodies of all maintained schools and nursery schools in England to have procedures in place to deal with complaints. The governing body must establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere (a list of these can be found on page 5).

Summary

1. This policy sets out the procedures which West Hove Infant School will follow whenever it receives a complaint for which there are not alternative statutory procedures.
2. In all cases where the complaint directly concerns the headteacher, the chair of governors (or nominated governor) in the first instance will investigate the complaint
3. Informally, in conjunction with advice from the Governor Support Team. The appropriate Head of School Advisory Service will also be alerted.
4. If and when complaints about any school are brought to the attention of Brighton & Hove City Council (the local authority), the complainants will be advised to contact the school and to follow the procedures set out within the school's complaints policy.
5. This policy will be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean parents and carers of the school's pupils, but may include neighbours of the school or other members of the local community.
6. If you have a complaint regarding an after school club, this is a matter between yourself and the company unless there are safeguarding or H&S concerns. As club leaders are not employed by the school, we have no legal basis in which we are able to get involved.
7. The governing body has set up a collaboration arrangement with the governing body of Hove Junior School, in the eventuality of not having enough impartial governors to hear the appeal.

Monitoring and recording complaints

At all stages of the complaints procedure the following information will be recorded:

- Name of the complainant
- Date and time at which complaint was made
- Details of the nature of the complaint
- Desired outcome of the complainant
- How the complaint is being investigated (including written records of any interviews held)
- Results and conclusions of investigations
- Any action taken

- The complainant's response
- Record of any subsequent action if required

The governing body will appropriately monitor the general nature of complaints over each academic year to inform practice and potential improvements to procedures and policies within the school.

Upholding or not upholding complaints

At each stage of the complaints procedure the conclusion will be either:

- That the complaint is upheld (in part or full) and where appropriate some form of action is taken **OR**
- That the complaint is not upheld and reason(s) for this, where appropriate, are clearly given

In the first instance of receiving a complaint it may be appropriate to resolve the issue by offering to the complainant one or more of the following:

- An emphatic response
- An explanation of events
- A recognition that the situation could have been handled differently or better
- An explanation of the steps that have been taken to endeavour that it will not happen again. However, this will not include any information or detailed action taken involving a member of staff
- An undertaking to review school policies in light of the findings of the complaint

The complainant may choose to take no further action or take their complaint to the next stage.

The Stages of the Complaints Process

Stage 1 (also known as the Informal Stage)

The complainant raises and discusses their concerns/issues with child/young person's class teacher. Most concerns can be resolved satisfactorily at this stage. However, the staff member may feel it more appropriate to refer the complainant to a more senior or experienced member of staff who will try to resolve the concern informally.

Stage 2

If the complainant remains unhappy, they should then contact the head of school & or executive headteacher either by arranging an appointment to see them or putting their concerns in writing. The headteacher (or their nominated representative) will then investigate the concerns and respond within agreed timescales. An acknowledgement will be made of the concern/complaint within five school working days. The headteacher will respond to the issues raised within 15 school working days of receiving the complaint. If it is not possible to meet these timescales, then the headteacher will contact the complainant to discuss reviewing these.

If the concern or complaint is against the headteacher, in the first instance the complainant will need to write in confidence to the chair of governors at the school. The chair of governors will seek to resolve the issue informally before, if necessary, moving to Stage 3.

Stage 3 (also known as the Formal Stage)

If the headteacher (or their nominated representative) is unable to resolve the concern to the satisfaction of the complainant, the complainant may write to the chair of governors at the school. The chair of governors will acknowledge the complaint within five school working days and arrange a panel of governors to be formed to hear the complaint (within agreed timescales). These governors will have no previous involvement or knowledge of the case. The chair/clerk of the complaints panel will contact the complainant with the arrangements. Both parties may bring their representative with them.

Once the panel has been held the complainant and school will be informed of their decision within five school working days. If it is not possible to meet these timescales then the chair of the panel will contact both parties to discuss a mutually convenient date. For further details about how the panel should operate see Appendix 1.

Stage 4

If the complainant remains unsatisfied by the outcome of the governors' panel, they may contact the local authority, who will investigate if the school's complaints process has been carried out appropriately. However, the local authority cannot overturn a panel's decision.

The local authority contact is:

Assistant Director Children's Services (Education & Inclusion)
Kings House
Grand Avenue
Hove
BN3 2LS
Telephone: 01273 293514

The local authority will acknowledge receipt of the complaint within five school working days. They will inform the complainant and the school of the outcome of their investigation of the process within 15 school working days of receiving the complaint. If it is not possible to meet the timescales then the local authority officer will contact the complainant and school to discuss reviewing these.

Stage 5

If the complainant is unsatisfied at the end of Stage 4 they can contact the Secretary of State for Education by completing an online form to register your complaint by following this link: <https://www.education.gov.uk/form/school-complaints-form>

This link also contains advice and guidance about how to register your complaint.

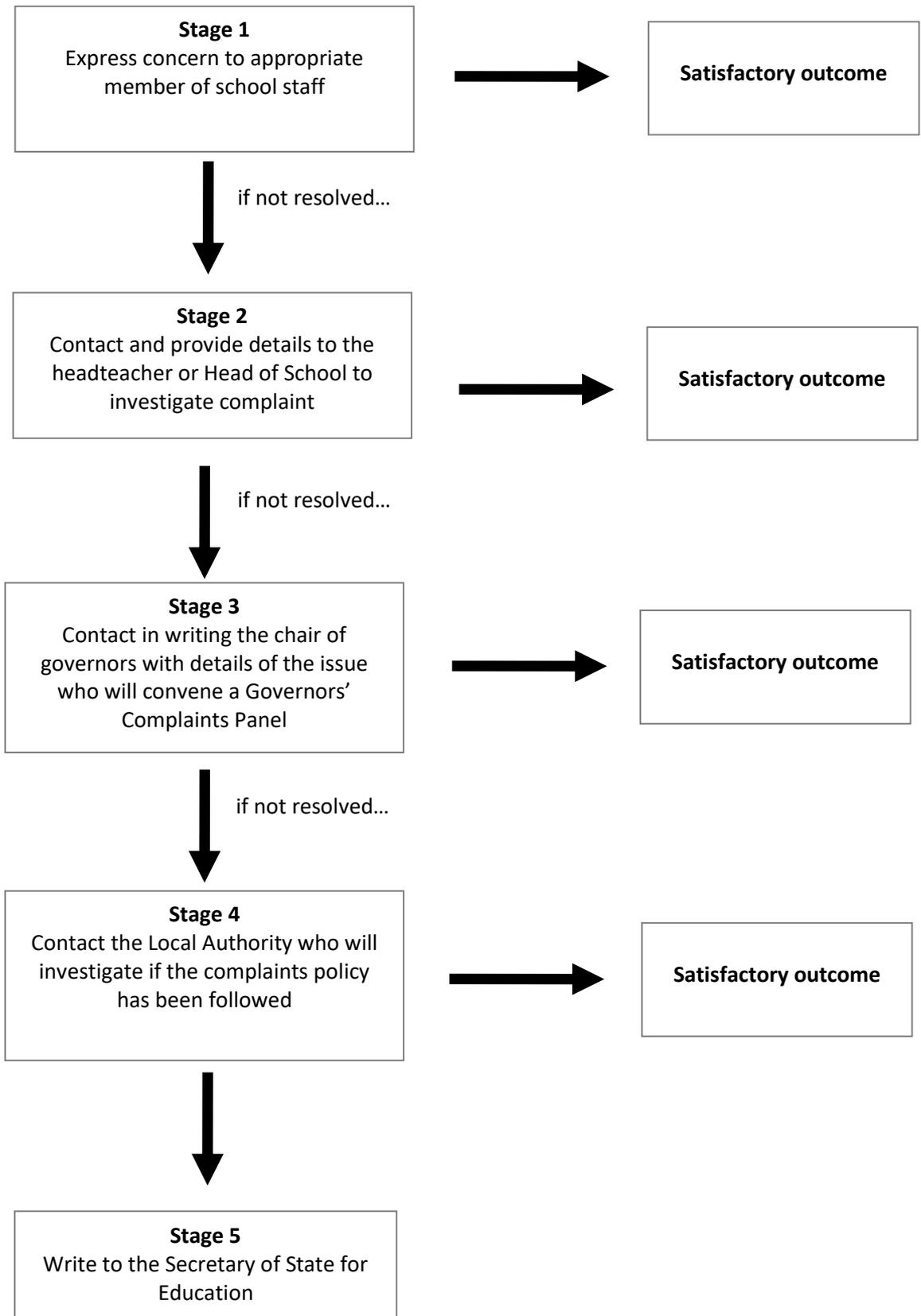
Secretary of State for Education
Department for Education,
Sanctuary Building
Great Smith Street,
London,
SW1P 3BT
Telephone: 0870 000 2288

What is not covered by this Complaints Policy

- Complaints about the national curriculum entitlement and collective worship – these should be directed to the governing body and then to the local authority
- Pupil admissions – contact the Admissions Team at the local authority schoolsadmissions@brighton-hove.gov.uk
- Pupil exclusions – appeals to be heard by a Governors' Exclusions Panel
- SEN Statement Appeals – contact the SEN Team on 01273 293552
- Issues relating to child protection – in the first instance contact the Local Authority Designated Officer for Child Protection: Darrel Clews 01273 295643
- Employee grievances/disciplinary/dismissal – refer to the Schools' Personnel Handbook for the process. Where the complaint results in a staff grievance or disciplinary it is important that the school follows the appropriate procedures and that the complainant should not be given any details of the action involving an individual member of staff.
- Criminal investigations – refer to the police

- Ofsted have some powers to investigate concerns, but they do suggest the complainant discusses their worries directly with the school in the first instance. For more information go to <http://www.ofsted.gov.uk/schools/for-parents-and-carers/how-complain> or tel: 0300 123 4666

Complaints Procedure



Appendix 1

How the Governors' Complaints Panel will run

Although the panel will follow formal procedures, the hearing should be conducted as informally as possible. Extra care will need to be taken if the hearing involves a child or young person being present.

1. Both the complainant and the school are invited to attend the panel and arrive at the same time.
2. The chair of the panel will introduce everyone and set out that the remit of the panel is to investigate the complaint. They will do this by allowing each party the opportunity to put their case without undue interruption.
3. Any witnesses or representatives are only required to attend to give their supporting information and may leave once they have done so.
4. The complainant is given the opportunity to state their case. The panel and the headteacher have the opportunity to ask any questions.
5. The headteacher is given the opportunity to state the school's case. The panel and the complainant have the opportunity to ask any questions.
6. The complainant is invited to sum up their complaint.
7. The headteacher is invited to sum up the school's actions and response to the complaint.
8. The chair lets both parties know how they will be notified of the panel's findings, within agreed timescales. The chair draws the meeting to a close.
9. Both parties leave at the same time and the panel withdraws to make their findings.

Appendix 2

The Governors' Complaints Panel: Roles and Responsibilities of those involved in the process

The Clerk to the Panel

The panel must be clerked. The clerk organises the complaints panel and must:

1. Send acknowledgement on behalf of the Chair of the Governors' Panel of the written complaint within **five school working days**, outlining the next steps
2. Arrange membership of the panel, in discussion with the chair of governors, which should be three governors who have no prior knowledge of the complaint
3. Set the date, time and venue of the panel, ensuring the dates are convenient to all parties and that the venue and proceedings are accessible. The hearing should be set within **15 school working days after receiving the complaint**. If the timescales cannot be adhered to the chair of the panel should discuss with the school and the complainant the next most appropriate date
4. Write to all parties, detailing the following:
 - Date, time and venue of hearing
 - Aims and objectives of the hearing and how it will be conducted
 - A request for any documentation that either party wishes the panel to consider. This must be with the clerk so that it can be sent to all parties **at least five school working days** before the hearing
 - The rights of equal access, accompaniment and representation for both the complainant and the school, ensuring that everyone is notified as to who will be attending the panel, in advance of the hearing
 - How and when the panel will reach their decision
5. At the hearing, meet and welcome the parties as they arrive ensuring there is appropriate separate waiting space
6. Ensure that both parties arrive at the panel at the same time
7. Record the proceedings and send the typed version to the chair of the panel for checking
8. Notify all parties of the panel's decision within **five school working days**
9. Keep pink paper minutes at the school with the governing body files

The Chair of Governors

- If the formal stage is required the chair of governors will notify the clerk to the panel to arrange the Governors' Appeal Panel
- If the complaint is about the headteacher the chair of governors will investigate informally the issue, taking advice from the Governor Support Team where appropriate, and will inform the Head of Advisory Service that a complaint has been made
- The chair of governors will ensure that the general nature of complaints over the academic year are appropriately monitored by the governing body to inform practice and potential improvements to procedures and policies within the school

The Chair of the Panel

The chair of the panel has a key role and will need to ensure that:

- The hearing is as informal as possible
- After introductions the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The complainant is given the opportunity to state their case – the panel and school then have the opportunity to ask questions and clarify points
- The school is given the opportunity to state their case – the panel and complainant then have the opportunity to ask questions and clarify points
- Any witnesses or representatives are only required to attend to give supporting information
- Both parties have the opportunity to sum up
- The meeting is drawn to a close and both parties leave the panel **at the same time**
- The issues are discussed fully, fairly and are addressed
- The key findings of the facts are made

The chair should also aim that:

- The complainant and headteacher feel at ease
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy

- The panel is open minded and acting independently
- No member of the panel has a vested interest in the outcomes of the proceedings or any involvement in an earlier stage of the procedure
- Written material is seen by all parties. If a new issue arises the chair can give all parties the opportunity to consider and comment on it

Notification of the Panel's Decision

The chair of the panel must ensure that the complainant and the school are notified of the panel's decision. This will be within a set deadline that is published in the Complaints Policy or mutually agreed.

The panel will either:

- Uphold the complaint
- Reject the complaint
- Uphold the complaint in part

The letter must explain any further rights of appeal and if so, who to contact.

The complainant may move to Stage 4 and write to the local authority by writing to the **Assistant Director Children's Services (Education & Inclusion)**. However, the local authority will not reinvestigate the decision of the panel but will check that the complaints process has been carried out appropriately. If the complainant is not satisfied with the local authority's response they may write to the Secretary of State for Education (Stage 5).

Appendix 3

Brighton & Hove Parents' and Carers' Brief Guide to School Complaints

(This guidance should be read alongside the School Complaints Policy)

Most concerns and complaints can be sorted out quickly by speaking to your child's class teacher.

All school staff will make every effort to resolve your problem informally. They will make sure that they understand what may have gone wrong and explain their actions to you. They will ask what you would like them 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 everything about the issue. It may also help to prevent a similar issue arising again.

All schools are required by law to have and publish a complaints policy and you can ask for a copy from the school office. Many schools will have a copy on their website.

If you have a concern about the school you must follow the complaints process in the order set out below:

- Go to the school and speak to someone who knows about the issue and could help you. Aim to do this as soon as possible. This could be the class teacher (early years / primary) or subject/form teacher (secondary). The member of staff will try to explain and put things right, if that is appropriate. Or they may recommend a more appropriate person to help you.
- If you are not happy with their response try and speak to a senior member of staff or a year tutor.
- If you are still not happy make an appointment to speak to the headteacher.

If the issue is still not resolved, write a formal letter/email with attachments of complaint to the headteacher. You will need to clearly outline your concerns and explain what you are specifically complaining about. We suggest you keep a copy of this letter. The headteacher will ask to meet you to discuss the problem.

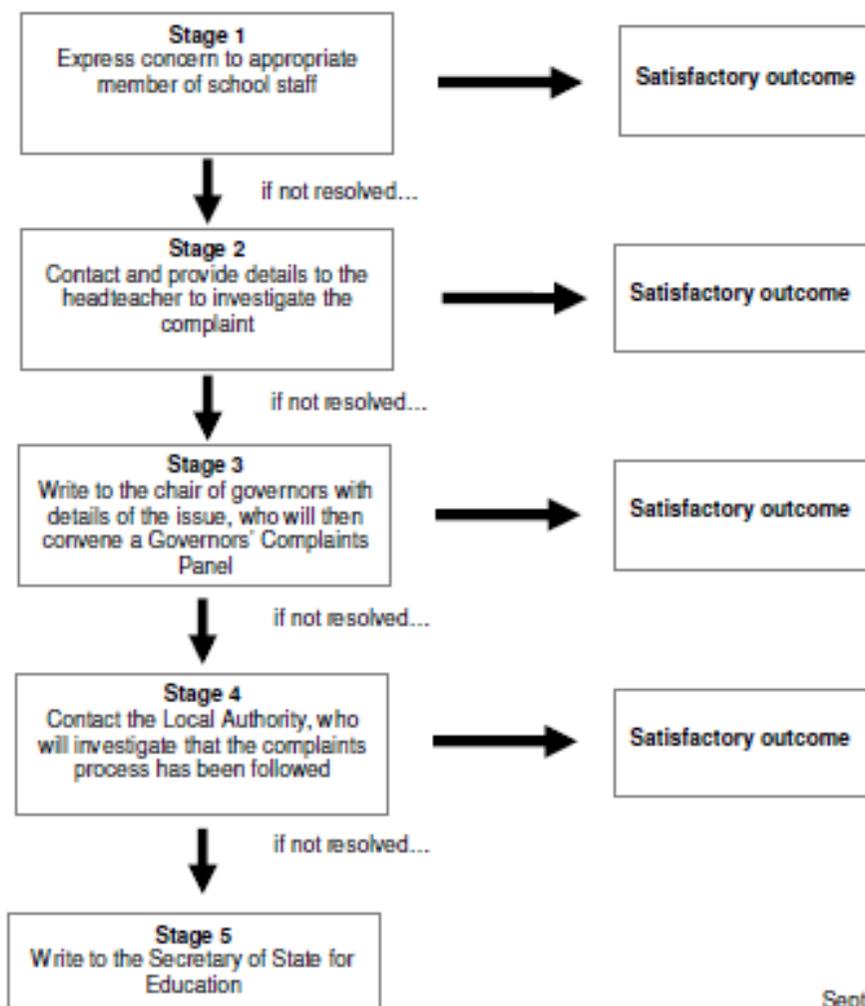
- You may take a friend or someone else with you if you wish. The headteacher is required to conduct a full investigation of your complaint and may interview people and/or pupils involved.
- You should receive a written response to acknowledge your complaint within five school working days (this does not include holidays). The school's letter to you will explain the timescale for completing the investigation. Once the investigation has

been completed and shared, where appropriate, with parent/carers the issue will normally be resolved at this stage.

- If you are still not satisfied that your complaint has been resolved, you should write to the chair of governors at the school and ask that the issue raised in your letter of complaint be reviewed and considered by the Governors' Complaints Panel. It will be heard by a panel of three governors who have no previous knowledge of the complaint, so they will be able to give it an objective and final assessment. You will be invited to attend and speak to the panel at a meeting at which the headteacher will also be present. It will be set out in the complaints procedure how these meetings will operate.
- Usually most complaints are settled, but in exceptional cases it may be possible to refer the issue to the local authority (Brighton & Hove City Council), who will only check that the complaints procedure has been followed correctly. After the local authority it can be referred to the Secretary of State for Education. Again it is likely they will check that procedure has been followed correctly and not revisit the decision of the panel.
- If you have a complaint about the headteacher personally then you should refer this, confidentially, directly to the chair of governors through the school office. The chair of governors will make arrangements to investigate your complaint.

Overview of the School Complaints Process

Model Complaints Procedure



Stage 1

Discuss your concerns with your child/young person's class teacher or another appropriate member of staff. Most concerns are able to be resolved satisfactorily at this stage.

Stage 2

Contact the headteacher by arranging an appointment to see him or her or put your concerns in writing. The headteacher or their representative will investigate your concerns and respond.

Stage 3

If the headteacher is unable to resolve the issue to your satisfaction you may write to the chair of governors at the school. The chair will arrange a panel of governors to be formed to hear your complaint. The chair of the panel will contact you with the arrangements.

Stage 4

If you are not satisfied by the outcome of the Governors' Panel you may contact the local authority who will investigate if the process has been carried out appropriately. The local authority will let you know the outcome of the investigation.

Stage 5

If you are not satisfied after Stage 4 you may contact the Secretary of State for Education.

Please refer to the School Complaints Policy for further details about raising a concern or complaint in the school and also what is not covered by this complaints process.

Sept 11