

# **LOW ASH PRIMARY SCHOOL**

## **COMPLAINTS PROCEDURE**

**April 2019**

**Rationale**

Low Ash Primary School wishes to maintain positive working relationships with all stakeholders, including parents and carers, and seeks to avoid or resolve any cause for complaint at an early stage informally. Where a parent or carer wishes to make a complaint, the procedure in this policy describes how this can be done.

Information about the roles of the Local Government Ombudsman (LGO) and OFSTED in dealing with complaints, and the types of complaint they can investigate, is included as an appendix to this policy (Appendix 1)

**What kind of complaints?**

The procedure is used to resolve complaints about the way the school is run or about the way a school policy has been implemented. Most of these complaints are about decisions which affect a particular pupil or pupils.

Allegations of abuse are not dealt with under the complaints procedure. These should be reported directly to the Headteacher or Designated Safeguarding Lead Person (Deputy Headteacher) who will follow safeguarding and child protection procedures for investigating allegations of abuse.

Where the allegation of abuse is directed personally against the Headteacher and not with regard to school policy, then in this case it should be referred direct to the Chair of Governors

**Who can complain and when?**

Parents/carers of pupils currently or recently at Low Ash Primary School

*Note: Complaints must be presented within three months of the action or matter of complaint.*

**Governing Body representation**

The Governing Body will appoint an appropriate committee to deal with any complaints as they arise. The committee will consist of a minimum of two and a maximum of three members of the Governing Body. The appointed committee will have fully delegated powers to investigate and make decisions about the complaint that has been referred to it. Staff Governors are not eligible to sit on the committee. The Chair of the committee will be determined at the time of the complaint, since some governors may not be able to serve on the particular committee due to prior involvement in the case.

Minutes of the Committee should be confidential and refer to the person making the complaint, the pupil, or anyone else involved by initials rather than by name.

## **Complaints procedure process**

The process is based on three stages. The **first stage** involves trying to resolve the matter informally and as quickly as possible with the class teacher or Key Stage Leader. Only if the complainant is dissatisfied with the outcome or the matter cannot be resolved by this individual should the matter be referred to the **second stage**, which is to the Headteacher in writing. If the complainant is still not satisfied then a written complaint should be made to the Chair of Governors - **stage three**.

Where the complaint is initially sent to the Chair of Governors, he/she should refer the matter to the Headteacher for it to be dealt with under stages one and two of this procedure.

### **Exceptions:**

There are three exceptions to the procedure above

1. A complaint may appear to be sufficiently serious that it should be referred straight through to stages two or three.
2. A complaint may clearly relate to breaches of discipline by a staff member, in which case this procedure would not apply.
3. Where the complaint is directed personally against the Headteacher and not with regard to school policy, then in this case it should be referred direct to the Chair of Governors

### **First Stage**

This stage involves the parent/carer being given the opportunity to discuss their concerns informally, first with the class teacher and/or the Key Stage Leader, Inclusion Leader or a Senior Leadership Team member and **MUST** be tried first.

In many cases parents/carers concerns and complaints are resolved at this early part of the complaints procedure.

If the concern remains unresolved by the member of staff involved, the staff member should inform the parent/carer that they may make a written complaint to the Headteacher (Second Stage).

### **Second Stage**

On receiving the written complaint the Headteacher should

- a) obtain any further details of the complaint,
- b) discuss the complaint with any member of staff involved,
- c) where a complaint concerns a pupil, that pupil should normally be spoken to with an appropriate adult present if necessary. (An appropriate adult is one who is considered able to remain objective and impartial, yet trusted by the pupil and their parent/carer),
- d) ensure written records are kept of all meetings, telephone discussions and any other relevant documents,
- e) consider all the facts and reach a conclusion,

- f) write to the person making the complaint giving a full explanation of the decision, the reasons for it and, where appropriate, what action the school proposes to take.
- g) The letter should inform the parent/carer that if they are not satisfied with the outcome they may complain to the Chair of the Governing Body, within 10 school days in writing.

### **Third Stage**

On receipt of a written complaint to the Chair of Governors the Chair of Governors will take one of the two courses of action identified below:-

- a) He/she may review the complaint and school response and respond accordingly to the parent/carer within 10 school days, **this could include trying to resolve the matter informally or more formally.** (If the Chair of Governors has had some prior involvement in this case then he/she should ask the vice-chair to undertake this role). If the parent/carer is still not satisfied, then within 10 school days, he/she should inform the Chair of Governors, who should immediately pass the complaint and all relevant information onto the Governing Body Complaints Committee within ten school days (see below – formal stage).
- b) Alternatively the Chair of Governors may decide to refer the complaint straight to the Governing Body Complaints Committee (see below – formal stage). The Chair of Governors will inform parents/carers that the matter has been passed to the Complaints Committee.

If any Governor has had any prior involvement in this case, then they should not be a member of this complaints committee.

### **Complaints Committee - Formal Stage**

The Complaints Committee of the Governing Body deals with any complaint which has reached this formal stage

- This involves
- 1. Receiving the complaint
  - 2. Investigating the complaint
  - 3. Making a decision on the complaint
  - 4. Reporting the decision of the Complaints Committee to the Governing Body.

#### **1. Receiving the complaint**

- a) The Committee will meet as soon as possible after the complaint is received to agree what needs to be done and draw up a timetable for doing it.
- b) The Chair of the Complaints Committee should write to the person making the complaint to:
  - i. Explain that the Committee is now dealing with the complaint
  - ii. Confirm that the Committee has received a copy of the written complaint

- iii. Set out what appears to be the nature of the complaint and to invite the complainant to send any further written information about the complaint
  - iv. Set out the Committee's timescale for dealing with the complaint
  - v. Invite the person making the complaint to meet the Committee to give full details of their complaint and inform them they may be accompanied by a friend or representative
  - vi. Set a reasonable deadline for reply by the person making the complaint, and make it clear that if there is no response by this deadline the Committee will proceed on the basis of the information it already has.
- c) If the person making the complaint accepts the invitation to meet the Committee, arrangements should be made to make this as easy as possible. The Committee may wish to consider the most appropriate time and place for the meeting to take place and whether other facilities such as providing an interpreter would be helpful.
  - d) The Committee should also write to the person(s) involved in the complaint informing him/her of the complaint and explaining that they will be given the opportunity to give their version of events.

The purpose of all the above is to find out precisely what the complaint is about and to inform the complainant of the procedure and timescale.

## **2. Investigating the complaint**

- a) The Committee must meet to discuss the complaint and decide what information they need who they may need to interview in addition to the person(s) complained of and what questions will need to be asked.
- b) The interviews can proceed with prepared questions followed by other questions if necessary, and the people being interviewed should be asked if they have anything to add. Answers to the questions should be carefully recorded and the people being interviewed should be asked to sign the record of answers.
- c) Confirm that the investigation is not a staff disciplinary investigation.
- d) Following interviews with staff it may be necessary to ask for further information from the person making the complaint.
- e) The complainant and the person(s) who is the involved in the complaint should be informed if there is a delay in the investigation process.
- f) When the Complaints Committee is satisfied that it has all the available information it will consider the complaint and all the evidence. Governors serving on the Committee should all try to reach an agreed decision, and should decide what should be done to resolve the complaint. If a unanimous decision cannot be agreed, a majority decision will be made.

- g) It may be possible for the Complaints Committee to recommend changes to school policies or procedures to try and prevent the same problem happening again in the future.

### 3. Making the decision

- a) The Complaints Committee must make their decision on the basis of the information in their possession.
- b) They should produce an investigation report which documents their decision. This would need to be produced if the complainant was to refer the matter to the Secretary of State.
- c) This report is usually written by the Chair of the Committee.
- d) The investigation report will be brief and will usually keep the names of the pupil, parents and people interviewed confidential. Its purpose is to:
  - i. Summarise the evidence gathered
  - ii. Give the decisions made by the Complaints Committee
  - iii. Give any recommendations made by the Complaints Committee to prevent a similar problem happening again.
- e) Where conflicting versions of events have been given it should be clear from the report why one version has been preferred over the other.
- f) In very few cases it could happen that one of the recommendations is for the Governing Body to hold a formal disciplinary investigation to find out if staff disciplinary action is necessary. In this case the Complaints Committee should seek the advice of the School Governor Service and/or the Human Resource Service **before the investigation report is issued to the Governing Body.**
- g) The decisions and recommendations of the Committee should be;
  - i. Sent to the person making the complaint with the information that if the Governing Body's response has failed to satisfy the person making the complaint he or she may complain to the Department for Education (DfE) on the grounds that the Governing Body has failed to discharge its statutory duties
  - ii. Sent to the Headteacher
  - iii. Sent to any person(s) complained against.

### 4. Reporting back the decision

- a) The outcome of the complaint should be reported back to the Governing Body, for information only, as with any delegated decision. Under current arrangements, this decision is final, although a complaint may be made to the DfE that the Governing Body has failed to discharge its statutory duties.
- b) The report back should take the form of a paragraph briefly summarising the complaint, the investigation and the outcome. The

Committee's recommendations should be given. No names should be given in the report back.

**This policy is reviewed annually.**

**Policy Reviewed: 10.4.19 by the Full Governing Body**

**Signed: ..... Chair of Full Governing Body**

**Next Review Date: Spring term 2020**

## **Appendix 1**

**The roles of the Local Government Ombudsman (LGO) and OfSTED in dealing with complaints, and the types of complaint they can investigate.**

### **What can the LGO investigate?**

The Local Government Ombudsman (LGO) can consider complaints about matters relating to education in all local authorities (LAs) in England. It can investigate alleged maladministration in:

- School transport services
- Special educational needs (SEN) provision
- School admissions
- Permanent exclusions from a school

However, in most LAs in England, parents/carers may not refer more general complaints about maintained schools to the LGO. Instead, according to the LGO factsheet on complaints about schools, they may complain to LAs, to the secretary of state, or to OFSTED.

**If a complaint is unresolved and the complainant feels that the school has behaved unreasonably** about their concerns, there are two channels they can take depending on where the school is. For most schools they can write to the **Secretary of State for Education:**

The Secretary of State  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London SW1P 3BT

Telephone: 0370 000 2288      [www.education.gov.uk](http://www.education.gov.uk)

As well as inspecting schools and monitoring how they perform, **OFSTED** also considers complaints if they affect **the school as a whole**. For example:

- the school is not providing a good enough education
- the pupils are not achieving as much as they should, or their different needs are not being met
- the school is not well led and managed, or is wasting money
- the pupils' personal development and wellbeing are being neglected.
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- OFSTED can be contacted by calling its hotdesk from 8am to 6pm Monday to Friday on 0300 123 1231 or by email [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk).

- Staff on its helpdesk will discuss concerns and advise whether or not to put the complaint in writing. A formal complaint can be sent to:  
Enquiries  
OFSTED,  
Piccadilly Gate, Store Street,  
Manchester  
M1 2WD
- For more information visit [www.ofsted.gov.uk/Ofsted-home/Footer/How-to-complain](http://www.ofsted.gov.uk/Ofsted-home/Footer/How-to-complain).