

# Complaints Policy

## January 2018

Nurturing the potential of all, striving to be the best we can be.

Enjoy, Learn, Achieve

This complaints policy has been adopted by Netherfield Primary School.

Date of last review: Autumn 2017

Date of next review: Autumn 2020

## **Introduction**

This complaints procedure allows for general concerns and complaints to be made and considered initially on an informal basis. If a complaint falls outside the normal complaints procedure, for example child protection or special educational needs, then the appropriate procedures will be applied.

## **Aims**

This policy aims to ensure that:

1. all concerns and complaints are dealt with as quickly and sensitively as possible, and by the person best able to do so;
2. by acting upon informal concerns we hope to reduce the number of formal complaints the school receives;
3. where a formal process is required, the steps involved are clearly outlined and all people involved are aware of their responsibilities.

## **The difference between a concern and a complaint**

Most concerns made informally to the appropriate member of staff will hopefully be resolved without having to go through the formal complaint procedures.

A concern may arise (for example):

- in relation child's academic progress;
- from uncertainty over the application of school rules or disciplinary procedures;
- from misunderstanding or misrepresentation of an incident which has taken place inside or outside the classroom;
- where a parent believes that their child has been misunderstood or treated unfairly and feels it necessary to raise the matter so that steps may be taken to restore goodwill;
- Where a parent believes that their child is being bullied or has suffered some form of discrimination and brings the matter to the school's notice so that action can be taken to prevent a recurrence.

A complaint may arise (for example)

- when an individual has previously raised a concern and is not satisfied with the response offered;
- where an individual has serious disquiet over an incident that has taken place or decision made in the school and believes the school has fallen short of appropriate standards.

## **Stage 1 – Informal resolution**

Generally, it is expected that where the matter relates to a pupil it will have been raised with the pupil's class teacher before a request is made to deal with it under this policy. If a matter is not resolved at the informal stage, then a complainant may take it to the formal stage.

It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the school's behaviour code. The Chair of Trustees shall have a discretion,

which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

Where the matter is not resolved at the informal stage, the parent may elevate it to the formal stage.

### **Stage 2 – Formal Resolution at Local Level: investigation by member of the Senior Leadership Team**

1. The complainant must put the complaint in writing, addressed to the Headteacher, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations.
2. An investigation will be carried out by a member of the Senior Leadership Team of the school; which may include the offer of a meeting with the complainant. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

Where the complainant remains dissatisfied he may request the complaint is dealt with at Stage 3. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied and lodged within **10** school days of the complainant receiving the findings in writing.

Any complaint relating to the Headteacher must be raised in the first instance with the Chief Executive Officer of the Academy Trust who will, if an informal resolution cannot be reached, designate a member of the Local Governing Body to investigate the complaint as per **Stage 3**. **Stage 2** does not apply to a complaint against the Headteacher.

Any complaint relating to the Chief Executive Officer or Executive Headteacher of the Academy Trust must be raised in the first instance with the Chair of the Trust Board who will, if an informal resolution cannot be reached, designate a member of the Board of Trustees to investigate the complaint as per **Stage 3**. **Stage 2** does not apply to a complaint against the Chief Executive Officer or Executive Headteacher.

For complaints against members of the Local Governing Body please note the process to follow is set out at the end of this policy.

### **Stage 3 – Formal Resolution: Local Governing Body**

1. The complainant must put the complaint in writing, addressed to the Chair of the Local Governing Body, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations.
2. The Chair of the Local Governing Body, may appoint a member of the Local Governing Body of the school to investigate the complaint. The investigation may include the offer of a meeting with the complainant. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

Where the complainant remains dissatisfied he may request the complaint is dealt with at Stage 4. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought and be lodged within **10** school days of the complainant receiving the findings in writing. The request must be addressed to the Secretary of the Academy Trust.

### **Stage 4 – Formal Resolution: Panel Hearing**

1. The Complaints Panel of the academy trust will consider all complaints at Stage 4.
2. The Complaints Panel must comprise at least three people, which will include one person who is independent of the management and running of the Academy Trust and any of its academies.
3. The Complaints Panel may also include one or more persons from the following categories:
  - (i) A member of the local governing body of the school where the complaint emanated from;
  - (ii) A member of a local governing body from another school within the Academy Trust or some other independent person;
  - (iii) A member of the Board of Trustees from the Academy Trust.
4. None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.
5. The Clerk will invite the school to put in writing its response to the complainant's reasons. The school will provide this within 15 school days. At the end of that period (whether or not the school has responded) the Clerk will convene a meeting of the Complaints Panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the Complaints Panel. Whenever possible, the meeting will be held within 15 school days of the end of the school's response time. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.
6. The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The school will have the opportunity to put its side of things and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.

7. The Panel may make findings and recommendations and a copy of those findings and recommendations will be
  - (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
  - (ii) available for inspection on the school premises by the Academy Trust, the Headteacher and the Chief Executive Officer.
8. The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk will notify all concerned.
9. If the complainant is not satisfied with the outcome of this final stage, then they have the right to complain about the school to the Secretary of State. These are handled on his behalf by the Education Funding Agency (EFA) and the procedure for complaining and the grounds for doing so, are outlined in their document entitled 'Procedure for dealing with complaints about academies' a copy of which can be found on the DfE website or obtained from the school via the Secretary of the Academy Trust.

### **Attendance at a Complaints Panel Hearing**

The Complaints Panel will proceed irrespective of whether or not the complainant and/or their representative attend. If the complainant fails to attend on the day, the Complaints Panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

### **Serial or persistent complainants**

If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of the Academy Trust may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the Academy Trust will not respond to any further correspondence on this issue or a closely related issue.

### **Complaint against a member of a Local Governing Body / Chair of a Local Governing Body**

Where a complaint is brought against a member of the Local Governing Body, the Chair of the Local Governing Body will investigate the complaint (or appoint another member of the Local Governing Body to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does not apply.

If the complaint is against the Chair of the Local Governing Body, then the Vice Chair of the Local Governing Body will investigate the complaint (or appoint another member of the Local Governing Body to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does not apply.

If the complaint is against a member of the Board of Trustees, then the Chair of the Board, (or in the case of a complaint against the Chair the Vice Chair) will investigate the complaint (or appoint another member of the Board to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does not apply.

In exceptional circumstances the Chair of the Board of Trustees may at his or her absolute discretion determine that a complaint against a Headteacher, Executive Headteacher, Chief Executive Officer, or member of the Local Governing Body should be dealt with at Board level and if so determined the Chair of the Board of Trustees will oversee **Stage 3**.

## **Record Keeping**

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 2, stage 3 or whether it proceeded to a stage 4 panel hearing. The action taken by the school or the Academy Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

## **Confidentiality**

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.