

Lansbury Lawrence Primary School



Complaints policy

*Updated March 2017
Review Date March 2019*

1 INTRODUCTION

- 1.1** The Governing Board of Lansbury Lawrence Primary School strives to provide a good education for all our children. The Head Teacher and staff work hard to build positive relationships with all parents and carers and this policy sets out the way the school will deal with complaints.
- 1.2** Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England were required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.
- 1.3** This policy and procedure document has been produced in the light of advice issued by the Department for Education in *Best Practice Advice for School Complaints Procedures* 2016.
- 1.4** It is in the interest of everyone that all parties involved in any complaint conduct themselves in a professional, courteous and respectful manner at all times. It is in the interests of everyone that complaints and responses are dealt with promptly at all stages.

2 POLICY STATEMENT

- 2.1** Our school will be fair, open and honest when dealing with any complaint. We give careful consideration to all concerns and complaints, and deal with them as swiftly as possible. We will resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the children above all else.
- 2.2** We welcome feedback on what parents and carers feel we do well or not so well, as a school. We consider carefully all feedback, whether positive or otherwise, and will review our policies and practices accordingly.
- 2.3** We expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school will not be expressed inappropriately or in front of pupils.
- 2.4** The policy is available on request to parents from the school reception or via the school website.
- 2.5** The school's procedures will be reviewed regularly and updated as necessary.
- 2.6** Staff and governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups, such as the office staff or members of the governing body.
- 2.7** This policy does not cover complaints relating to the following areas which are covered by separate procedures (also see Appendix 1):
- Admissions to school
 - Statutory assessments of Special Educational Needs (SEN)
 - School re-organisation proposals
 - Matters likely to require a Child Protection Investigation
 - Exclusion of children from school
 - Whistleblowing
 - Staff grievances and disciplinary procedures
 - Complaints about services provided by other providers who may use school premises or facilities.
- 2.8** The school ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

2.9 The school will learn from complaints raised and will provide information to the school's senior leadership team so that services can be improved.

3 THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

3.1 A 'concern' may be defined as an expression of worry or doubt over an issue considered to be important for which reassurances are sought. A 'complaint' is an expression of significant dissatisfaction, however made, by a person or persons with a legitimate interest in the school about the practices or policies of the school, the conduct, action or omissions of members of staff employed at the school or the quality of education received by a child.

3.2 It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures.

4 DEFINITION OF A COMPLAINT

4.1 Complaints may be written or oral. It is not always appropriate for complaints to be put in writing as this might unnecessarily formalise the situation, resulting in the complainant taking a more defensive or entrenched position and making the conflict more difficult to resolve.

4.2 For a complaint to merit serious consideration it should meet at least one of the following criteria:

- It is first hand.
- It relates to recent events.
- The events in question can be dated.
- There is independent corroboration of the allegations.

4.3 It is important to bear in mind that not every expression of concern is a complaint. Discretion needs to be applied in determining whether action over and above the normal day to day discussions on parental concerns is needed. All senior managers are expected to exercise such discretion before referring matters to the Head Teacher.

4.4 Problems and expressions of concern should be dealt with, as far as is possible, at the point of first contact. This is usually the class teacher. If it cannot be resolved at this level then the teacher should refer the matter upwards.

5 THE COMPLAINTS PROCEDURE

(See flow charts in Appendix 2 and Appendix 3)

6 KEY RESPONSIBILITIES

6.1 The conduct of the school is under the direction of the Governing Board. The Head Teacher is responsible for the internal organisation and management of the school.

6.2 The **Head Teacher** is responsible for making operational decisions on a daily basis about the school's internal management and organisation. The school will make it clear that parents and others will direct concerns or complaints to the Head Teacher in most circumstances and, if appropriate, referring complaints to other members of staff to deal with.

6.3 The **Governing Board** has overall responsibility for the school and for ensuring that all pupils receive an appropriate and high standard of education. Given that school sites are now becoming places of service provision, it is important that the governing board ensures that any third party providers offering community facilities or services through the school premises

have their own complaints procedure in place. There are regulations that prescribe the role of governors in dealing with complaints. In general, the need to maintain a strategic overview, rather than a day-to-day operational involvement, is paramount, as is the need to provide an objective approach in the interest of the whole school community, i.e. parents as well as staff.

6.4 In the event of a complaint being made to a member of the Governing Board, the complainant should be advised to speak to the Head Teacher, so that an attempt can be made to resolve the matter informally. Governors must not prejudice themselves by discussing the complaint, as this would prevent their participation in a panel at a later stage. If at any point it appears that there are issues regarding school staff that may need to be dealt with under the disciplinary or other staff procedures, personnel advice should be sought.

6.5 The Governing Board may be called upon to consider, resolve or adjudicate if complaints are referred to them by the Head Teacher or by a complainant who is not satisfied with the result of the informal process.

6.6 **Parent and Staff Governors** in particular will not be drawn into the detail of specific complaints as this may prejudice their role in any further stages of the complaints procedure. However, they can help to refer more general concerns about school policy to the Head Teacher and the Governing Board.

6.7 If the complaint is not resolved at school level, the interested parties have recourse to the Department for Education or to the legal process.

6.8 The procedure is divided into three stages:

- 1 The Informal Stage: aims to resolve the concern through informal contact at the appropriate level in school.
- 2 Stage One: the first formal stage at which written complaints are considered by the Head Teacher and governors
- 3 Stage Two: the next stage once stage one has been worked through. It involves a complaints appeal panel of governors.

8 THE INFORMAL STAGE

8.1 If a parent is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher, as soon as possible after an incident/issue arises. In our experience, most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress. The complainant is asked at this earliest stage what they think might resolve the issue.

8.2 Where complainants feel that a situation has not been resolved through contact with the class teacher or senior member of staff, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Head Teacher.

8.3 The Head Teacher will consider any such complaint and investigate each case thoroughly. Most complaints are normally resolved by this stage.

8.4 If this fails to resolve the matter, then a formal complaint should be made. This complaint must be made in writing (unless the complainant has communication preferences due to second language considerations, disability or learning difficulties) stating the nature of the complaint, and how the school has handled it so far.

9 STAGE ONE, FORMAL

- 9.1** This stage in our procedures deals with written or formal complaints. It applies where complainants are not happy with the informal approach to dealing with their concern, as outlined above.
- 9.2** Normally, a written or formal complaint should be addressed to the Head Teacher. If, however, a complaint concerns the Head Teacher personally, it should be sent to the school marked 'For the attention of the Chair of Governors'. Complaints against the Chair of Governors or any individual governor should be made in writing and sent to the school marked 'For the Clerk to the Governing Board'.
- 9.3** Where a complainant has communication preferences, due to second language considerations, disability or learning difficulties, the school will accept a complaint in person or on the telephone. Brief notes of meetings and telephone calls will be kept. Where the complainant has communication difficulties, recording devices will be used to ensure the complainant is able to access and review the discussions at a later point.
- 9.4** We will acknowledge the complaint in writing as soon as possible after receiving it. This will normally be within three school days.
- 9.5** We will enclose a copy of these procedures with the acknowledgement.
- 9.6** Normally we would expect to respond in full within 15 school days but if this is not possible we will write to explain the reason for the delay and advise when we intend to be able to provide a full response.
- 9.7** As part of our consideration of the complaint, we will invite the complainant to a meeting to discuss the complaint and fill in any details required. The complainant can ask someone to accompany them to help explain the reasons for their complaint.
- 9.8** The Head Teacher, or Chair of Governors will also be accompanied by a suitable person if they wish.
- 9.9** Following the meeting, the Head Teacher, investigating officer or Chair of Governors will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
- 9.10** We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
- 9.11** If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
- 9.12** The Head Teacher or Chair of Governors will keep signed and dated records of all meetings and telephone conversations, and other related documentation.
- 9.13** Once we have established all the relevant facts, we will send the complainant a written response to their complaint. This will give an explanation of the Head Teacher's or Chair of Governors' decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We will invite the complainant to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations.
- 9.14** The person investigating the complaint will decide that we have done all we can to resolve the complaint, in which case we will use our discretion to close the complaint at this point.
- 9.15** Complaints will not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised.
- 9.16** If the complainant is unhappy with the way in which we reached our conclusions, they may wish to proceed to Stage 2, as described below.

10 STAGE TWO, FORMAL - APPEALS PROCESS

- 10.1** The Governing Board will consider all written or formal complaints within twenty school days of receipt.
- 10.2** Receipt of the complaint will be acknowledged in writing by the Chair of Governors, the Vice-Chair if the Chair is not available or the Clerk. A copy of this complaints policy will be enclosed with the acknowledgement.
- 10.3** The Governing Board will arrange for the complaint to be heard by a panel of three governors who have not had involvement with the matter at an earlier stage. The panel will, where possible, reflect a cross section of governors, who have no direct interest or involvement in the case.
- 10.4** The school will decide what the appeal panel considers. The panel will be provided with copies of the complaint and all other relevant documentation.
- 10.5** At least five school days' notice of the hearing by the panel will be given to all concerned.
- 10.6** All parties involved in the dispute may be accompanied, if desired, by a friend, representative or interpreter and may call witnesses.
- 10.7** The Head Teacher (or Chair of Governors if the complaint is against the Head Teacher) will explain what has already been done to attempt to resolve the complaint and the outcome of any investigation.
- 10.8** The complainant will present his or her case and call any witnesses.
- 10.9** The panel and Head Teacher will have an opportunity to question the complainant and witnesses.
- 10.10** The Head Teacher will have the opportunity to respond to the complainant and call witnesses if appropriate.
- 10.11** The panel and complainant will have the opportunity to question the Head Teacher and witnesses.
- 10.12** The Head Teacher, followed by the complainant, will summarise their positions.
- 10.13** All but the members of the panel will withdraw while a panel decision is reached.
- 10.14** The governors do all they can at this stage to resolve the complaint to the complainant's satisfaction.
- 10.15** When the evidence has been fully considered and a decision made, the panel will notify, in writing, the complainant and the Head Teacher of the outcome, giving an explanation of the conclusion, the reason for it, and any action taken, including details of any request made of those complained against to take particular actions in respect of the complaint. This will be done as quickly as possible, but within a maximum of five school days.
- 10.16** The Governing Board will be informed at their next meeting that a complaint has been received and dealt with. Details will not be divulged to the full Governing Board, nor to any other party not directly involved, as to do so would violate confidentiality.

11 CLOSURE OF COMPLAINTS

- 11.1** Very occasionally, a school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.
- 11.2** We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".

- 11.3** If a complainant persists in making representations to the school – to the Head Teacher, designated governor, Chair of Governors or anyone else - this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
- 11.4** For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process. In exceptional circumstances, closure will occur before a complaint has reached stage two of the procedures described in this document. This is because a complaints panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of investigating the complaint.
- 11.5** If a complainant is still not content that the complaint has been dealt with properly, then s/he can write to the Secretary of State for Education:

The Secretary of State
Department for Education
Castle View House
East Lane
RUNCORN
Cheshire WA7 2GJ
Telephone: 0370 000 2288
Typetalk: 18001 0370 000 2288
Fax: 01928 738248

12 COMPLAINTS MADE DIRECTLY TO THE GOVERNING BODY

- 12.1** In the event of a complaint being received directly by the Governing Board from a parent or other stakeholders before attempting to resolve the matter with the school, governors will have regard to the following:
- 12.2** Any complaint to the Governing Board or one of its members will be passed immediately to the Head Teacher for investigation. The Head Teacher, if she has not already done so, will follow the informal procedure outlined above to attempt to resolve the matter and report the outcome to the complainant and details of action taken to the Chair of Governors.
- 12.3** If the Chair of Governors is satisfied that the informal procedures have been exhausted and the complaint is still not resolved, he/she may, after further discussions with the Head Teacher, decide to initiate the formal procedure.
- 12.4** The complainant will be advised of the Chair's conclusions.

13 COMPLAINTS RECEIVED ANONYMOUSLY

- 13.1** Complaints that are made anonymously will be handled at the discretion of the School and will be considered using other procedures, depending on the nature of the complaint. For example, anonymous complaints relating to (or appearing to relate to) a child protection matter or alleged criminal activity will be referred immediately to the relevant authorities.

14 COMPLAINTS RECEIVED BY PETITION

- 14.1** Complaints received by petition will be dealt with informally in the same way as other complaints. If it is not clear who the response should be directed to, the complaint will be treated as an anonymous complaint.

15 CONFIDENTIALITY

- 15.1** Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

16 EQUAL ACCESS, ACCOMPANIMENT AND REPRESENTATION

- 16.1** Appropriate steps will be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.
- 16.2** Should any meeting need to be held where any parties would have difficulties in terms of access, the school will assist with providing an appropriate venue.

17 'SERIAL' AND 'PERSISTENT' COMPLAINANTS

- 17.1** The school will do its best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the school will act appropriately.
- 17.2** There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for the school to recognise when they really have done everything they can in response to a complaint. It is a poor use of the school's time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.
- 17.3** If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. The school will only mark a complainant as 'serial' once the complainant has completed the procedure.

18 RECORDING, MONITORING AND REVIEW

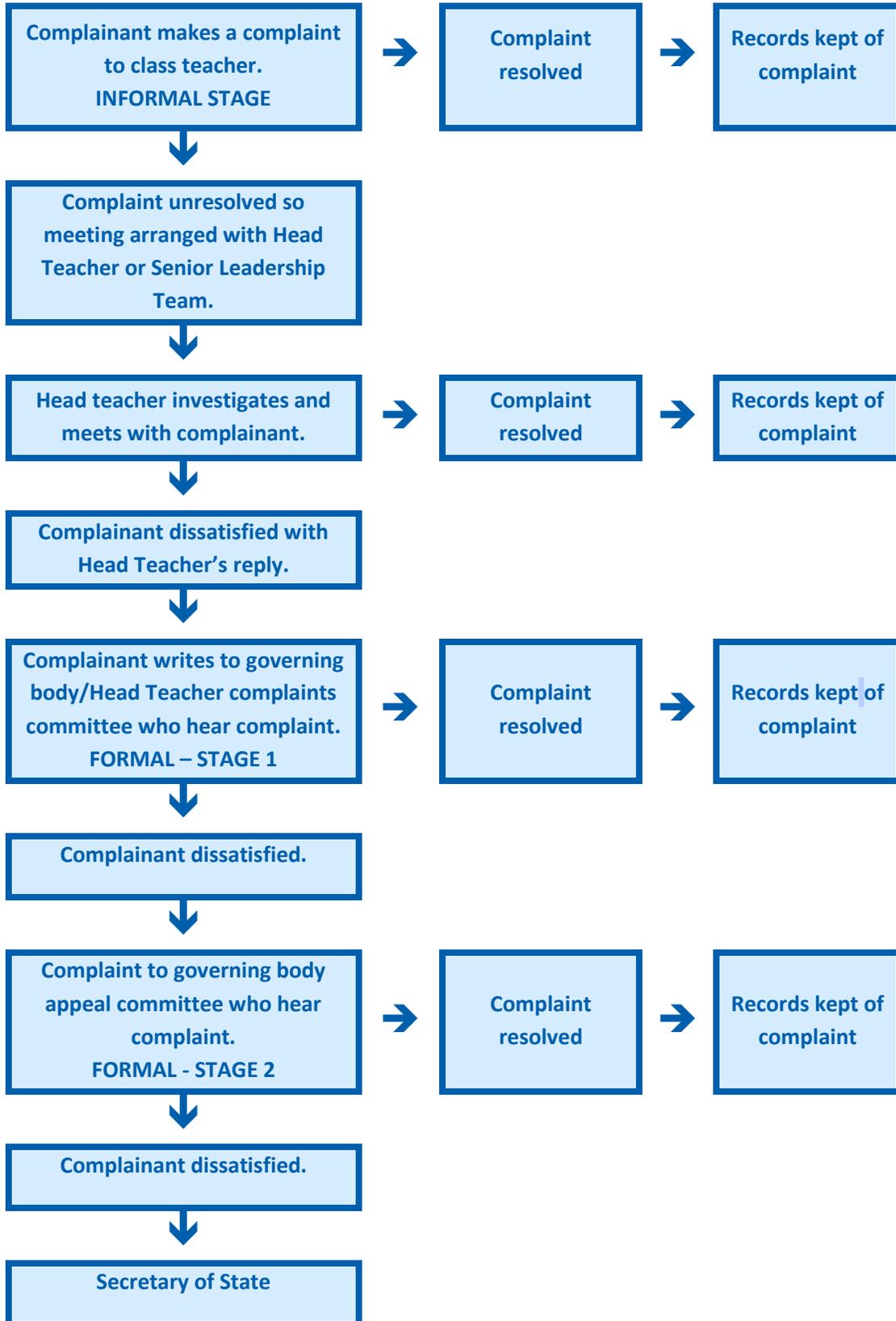
- 18.1** The school will record the progress of complaints and the final outcome. The Head Teacher will be responsible for these records and will hold them centrally. Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.
- 18.2** The process of listening to and resolving complaints can contribute to school improvement and can be a useful tool in evaluating the school's performance. When individual complaints are heard, the school may also identify underlying issues that need to be addressed.
- 18.3** The governors monitor the complaints procedure at regular intervals. This ensures that all complaints are handled properly and informs improvements and the effectiveness of the complaints procedure itself. The Head Teacher logs all complaints received by the school and records how they were resolved. Governors examine this log periodically.
- 18.4** Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy.
- 18.5** This policy is made available to all parents, so that they can be properly informed about the complaints process.

APPENDIX 1: CONTACTS FOR COMPLAINTS NOT IN SCOPE OF THE PROCEDURE

The school's complaints procedure covers all complaints about any provision of facilities or services that we provide with the exceptions listed below, for which there are separate (statutory) procedures.

EXCEPTIONS	WHO TO CONTACT
<ul style="list-style-type: none">• Admissions to school• Statutory assessments of Special Educational Needs (SEN)• School re-organisation proposals• Matters likely to require a Child Protection Investigation	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
<ul style="list-style-type: none">• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions
<ul style="list-style-type: none">• Whistleblowing	Lansbury Lawrence has an internal whistleblowing Policy for their employees and voluntary staff.
<ul style="list-style-type: none">• Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none">• Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.

APPENDIX 2: GENERAL SCHOOL COMPLAINTS FLOWCHART



APPENDIX 3: COMPLAINTS AGAINST THE HEAD TEACHER FLOWCHART

