



Document Adopted By Governing Body	
Date Document Adopted By Governing Body:	January 2019
Signed (Chair):	Kevin Corke
Date:	September 2021
Head Teacher Print Name:	Emma Hardy
Date of Next Review:	September 2022

Complaints Policy

2021

1. Introduction

The School Standards and Framework Act 1998, section 39(1) places a duty on all governing bodies to establish a complaints procedure for parents/carers to make complaints about all matters related to the school that are not covered under other statutory procedures.

2. General principles

The Governors and Headteacher of Ecclesall Primary School encourage parents to express their views on what goes on within the school; to help improve the way the school works but also to flag up potential difficulties early, so that more serious problems can be prevented from arising. The Headteacher and Chair of Governors are responsible for the implementation of the complaints procedure, which should be done in the fairest way possible.

3. Definition of a Complaint

The Authority's definition of a complaint is 'An expression of dissatisfaction with the Council's services, with the actions of its employees, Members or policies, affecting an individual customer or group of customers. A complaint requires an immediate response and, if it is serious or cannot be dealt with immediately, need to be investigated and resolved'.

Complaints can be made about:

- Failure to provide a satisfactory service
- Failure to follow agreed policies or processes (or the lack of such processes where they could reasonably be expected to be in place)
- The conduct of an employee or agent of the Council

If a customer perceives there is a valid reason for a complaint, this must be treated accordingly and an investigation undertake.

For schools, the definition of a complaint within the terms of the procedures described here is an expression of dissatisfaction verbally or in writing by parents or carers of children who attend the school.

After initial investigation of a complaint, a decision may well be made to use the discipline, capability or other appropriate procedure against a member of staff.

Anonymous complaints will not normally be considered under the procedure set out here.

The procedure set out in the following pages outlines the stages both formal and informal through which a complaint made against the school will proceed. At all stages, the aim is resolution to the satisfaction of both parties and a mutual understanding of the problems believed to exist in order that improvements can be made where necessary.

Where agreement and resolution cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly and equitably.

Conciliation or mediation between school and complainant can be considered at any time within the informal or formal stages as set out in this guide. The Advice and Conciliation Officer within the Local Authority is independent of the school and can be contacted at any stage for advice and information on 0114 2922161.

Publicity: Parents should always know how they can raise concerns or lodge a formal complaint and the procedure for doing so (in summary form) should be well publicised. Occasionally it may be necessary to provide this information in another language either by an interpreter or in translation.

Speed: Each stage of the procedure should have known time limits. If these are extended regular progress reports should be given to the complainant.

Support for the Complainant: Parents making a complaint are entitled to bring a friend, relative or advocate with them to any meeting. Advice should be made available, possibly through one governor or LA officer not involved with the complaint.

Support for the person Complained Against: If a member of staff has been the subject of a complaint or is questioned by a governors panel it is crucial that the procedure is explained to him/her and that he/she is kept informed of the progress of the complaint. There is a balance to be maintained between supporting the member of staff and investigating a complaint impartially. This complaints procedure is not a disciplinary hearing and this should be made very clear from the outset. Very occasionally recommendations from a governors panel may lead to a disciplinary hearing.

Confidentiality: Conversations and correspondence must be treated with discretion and parents must feel confident that a complaint will not penalise their child in any way. However, they must realise that information will have to be shared with the group of governors who will investigate the complaint as well as some teachers. Anonymous complaints should be substantiated and ignored if this is not possible.

Redress: If the outcome of a complaint shows that the school is at fault then redress should be in the form of an acknowledgement that the complaint was valid. This could also include an apology, fuller explanation, an undertaking to review school policies or develop staff training or even a promise that an event will not recur. If litigation is a possibility the LA should be contacted for advice.

Staff Awareness And Training: All staff are likely to deal with complaints at some stage, therefore it is crucial that they all understand the procedures. The aim is to try to reassure the complainant so that concerns are dealt with informally and do not become complaints that can require a great deal of skill and tact. Staff should be clear that the procedures have the total backing of the school management and governors. It is suggested that the complaints procedure is the subject of a staff meeting once a year so that everybody is clear how it operates.

Record Keeping: Once a concern becomes a complaint it should be recorded in a central log (including date, parent involved and general nature of the complaint), which should be monitored termly. All meetings concerning the complaint should be recorded.

In the procedures below when the Headteacher is asked to take action this could be delegated on occasions to the Deputy Headteachers. Similarly when the Chair of the Governing Body is required to act this could be carried out by another member of the Governing Body as requested.

4. Stage 1

Guidelines for dealing with concerns and complaints informally

The vast majority of concerns raised by parents can be resolved informally. Parents discuss their concern with the appropriate member of staff who clarifies with the parent the nature of the concern and reassures the parent that the school will be receptive. It can be useful to identify what sort of outcome the parent is looking for and the member of staff should make it very clear what type of action or monitoring has been agreed. Nothing need be written down at this stage. If a concern cannot be dealt with immediately we will try to arrange a time to discuss it more fully.

If after 10 days the situation has not been resolved parents will be asked whether they wish their concern to be considered further. The member of staff will explain what happens next and detailed information given to the parent about how to proceed. At this stage s/he will refer the parent to the Headteacher or Deputy Headteachers.

If the concern relates to the Headteacher and it has not been possible to resolve it informally, the parent should contact the Chair of the Governing Body. The Chair should again try to resolve the concern informally before moving to Stage 2.

5. Stage 2

A concern is referred to the Headteacher

At this stage it is acknowledged that a concern has become a complaint.

- a. The Headteacher records the nature of the complaint in a central log. Written records of all meetings or telephone conversations will be kept.
- b. The Headteacher acknowledges the complaint orally or in writing within 3 working days of receiving a written complaint. This should again include an explanation of the school's complaints procedure and target dates for providing a response to a complaint. If this can not be done within 10 days a letter should explain the reasons for any delay and give an alternative schedule. The Headteacher provides an opportunity for the complainant to meet him to pass on any extra information. It should be made clear to the complainant that s/he can be accompanied by a friend, relative, advocate or interpreter.

The Headteacher should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed - normally with parents/guardian present. The attendance of parents may not always be necessary, for example: if to do so would delay an investigation of a serious complaint or if the child had particularly asked for parents not to be involved. In such a situation another member of staff should attend. If a member of staff is complained against the needs of that person should be borne in mind and it should be made clear that being part of a complaints investigation is distinct from any form of disciplinary hearing.

- a. Once all the relevant facts have been established the Headteacher should then produce a written response to the complaint (within the 10 days specified earlier) or may wish to meet the complainant to discuss/resolve the matter. A written response should include:
 - i. a full explanation of the decision and the reasons for it
 - ii. what action the school will take to resolve the complaint (if appropriate)
 - iii. details of how to take the complaint further by contacting the Chair of the Governing Body within 5 weeks of receiving the outcome letter.
- 4.6. If the complaint is against the Headteacher the Chair of the Governing Body should carry out all the Stage Two procedures.

6. Stage 3

Review by the Governing Body

Only rarely do complaints reach this stage and governors should seek advice from the LA or Board of Education before proceeding. However:

The review should be independent and impartial and be seen to be so.

The Chair of Governors should ensure that enough governors are kept in reserve, who know as little as possible of the complaint, in case of appeal.

It can be helpful to consider complaints at this stage as being against the school rather than against any member of staff whose actions led to the complaint.^{3.1}

The Chair of Governors should write to the complainant to acknowledge the receipt of the written request. This should inform the complainant that the complaint will be considered by a panel of three governors within 20 working days of receiving the complaint. This letter should also state that the complainant has the right to submit further relevant evidence which should be received in time for circulation to each member of the panel.

The Chair of Governors should select a panel, including one parent governor, from the available governors and suggest a chair for the panel. The chosen governors should have had as little knowledge of the complaint as possible.

The Chair of Governors should oversee the process to ensure that agreed timescales are maintained.

The Chair of Governors should write and inform the complainant, the Headteacher, witnesses and panel members at least 5 working days in advance of the date, time and place of the meeting. The letter to the complainant should inform him/her of the right to bring a friend or advocate to the meeting and explain how it will proceed.

The Chair of Governors should invite the Headteacher to attend the panel meeting and to prepare a written response to the complaint. The Headteacher may also invite other members of staff to respond in writing or in person. Any relevant documents, including the Headteacher's report, should be received by all concerned, including the complainant, 5 working days before the panel meeting.

The chair of the panel can decide to hear the complainant and Headteacher separately if, for example, the complaint is largely directed at the Headteacher. However, if this happens it is imperative that both parties have access to the same information.

The chair of the panel is responsible for circulating all the documentation relevant to the complaint to the panel members and to ensure that the meeting is minuted.

The aim of the meeting should be to try to resolve the complaint and achieve a reconciliation between the complainant and the school. However, it has to be recognised that often it may only be possible to establish facts and to make recommendations for the future which at least demonstrate that the complaint has been taken seriously.

The chair of the panel should try to ensure that although the complaint is being dealt with seriously, a welcoming and relaxed atmosphere is created.

The meeting should allow for:

- the complainant to explain their complaint and for the Headteacher to explain the school's response.
- the complainant to question the Headteacher and the Headteacher to ask questions of the complainant.
- panel members to question the complainant and the Headteacher.
- any party to call witness (at the discretion of the chair) who can be questioned by all parties.
- final statements by the complainant and the Headteacher.

- 6.1** If any new evidence emerges the chair of the panel should adjourn the meeting to allow all concerned time to consider a response. The chair of the panel should now explain that the panel will now consider its decision which will be sent to both parties in writing within 15 working days. Everyone except the panel should now leave.
- 6.2** The panel considers the complaint and all the evidence and reaches a unanimous or majority decision, then:
 - 6.2.1** decides on the appropriate action to be taken to resolve the complaint, then:
 - 6.2.2** produces, if appropriate, recommendations for changes to school procedures or systems to try to prevent problems of a similar nature happening again.
- 6.3** A written statement outlining the decision must be sent to the complainant and Headteacher. The letter to the complainant should explain how s/he could take the complaint further.
- 6.4** The school should ensure that a copy of all correspondence and notes are kept on file (separately from pupils' records).

7 Stage 4

Review by the LA

If the complainant wishes to take the complaint further s/he should write to the Director of Children's services of the Sheffield Local Authority (LA).

7.1 The Director may in some cases set up an arbitration panel to act as an appeal committee. Such a panel would be made up of people who were not involved with the school in any way and would express a view about the complaint and how it might be resolved but could not impose its will. More likely, the Director may decide to ask officers to investigate to see whether the governing body dealt with the complaint in a proper manner.

8 Stage 5

Beyond the LA

- a. Complaints can be sent to the Secretary of State for Education under Section 496 of the Education Act 1996, on the grounds that the Governing Body or LA has acted unreasonably, or under Section 497 that the Governing Body or LA has failed to discharge its duties under the Act.
- b. Complaints about the maladministration of LA services including how it operates the school's complaints procedure, can be sent to the Local Government Ombudsman. However, the Ombudsman does not look at internal school management matters.