

Maple Primary School



Complaints Policy

2020/21

Reviewed: September 2020
Next Review: Autumn 2021

MAPLE PRIMARY SCHOOL **GENERAL COMPLAINTS PROCEDURE**

Aim

To explain the procedures used by the school for dealing with complaints, problems or worries from all sections of the school community, as approved by the Governing Body.

Rationale

When dealing with all complaints, problems and worries the school will respect confidentiality and endeavour to be approachable, thorough and fair. It will keep all interested parties informed of any relevant developments, findings and decisions.

General Advice

It is important for any party who has a particular concern to let the school know at an early stage so that the issue can be dealt with fairly, quickly and informally; thereby preventing the need to make a formal complaint. Most problems can be resolved in this way. In the event of a formal complaint the school will follow this policy and guidance notes (DfES and Hertfordshire Local Authority).

Contact can be made either by telephone, letter, email or in person. When contacting members of staff for a personal discussion, please do so through the School Office or direct with the class teacher. With full teaching commitments, it may be difficult for the staff to see people at short notice and during lesson times. It is helpful if the staff are given an outline of what the meeting will be about, so that they can gather any relevant information available.

Filmed or recorded meetings / conversations / incidents which are made without the prior consent of all parties involved, will not be accepted as evidence in the event of a complaint being made.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Timescale

Complaints need to be considered and resolved as quickly and efficiently as possible.

A complaint must be raised within 3 months of the event/s being complained of. If a Formal Complaint is not raised within the 3-month time limit, the circumstances it relates to will not be considered, unless the complainant considers there are exceptional circumstances for the delay. In such a case an application to consider the complaint may be made to the Chair of Governors.

Procedures for Dealing with Complaints from Parents

If a parent/guardian has a complaint, problem or worry related to an aspect of school, they should be encouraged to take the following steps:

1. Arrange a meeting with the class teacher at a mutually convenient time, if relevant to the issue, where the problem can be dealt with at first hand. The class teacher should inform the Headteacher of the meeting as a matter of courtesy, observing confidentiality where necessary. The class teacher will endeavour to reply to emails from parents within 48 hours, often sooner if teaching commitments permit. If a matter is marked urgent, they will aim to reply on the same day.
2. If the problem does not seem to be addressed and the parent/guardian still has concerns, then a meeting with the Headteacher should be arranged as soon as possible. The Headteacher will liaise with any staff as necessary and may ask another member of staff to be present (e.g. SEN Co-ordinator), depending on the nature of the concern, in order to solve the problem as fairly and quickly as possible.
3. If the parent/guardian is still unhappy then he/she should contact the Chair of Governors (via the School Office) to request an **informal** meeting. The Chair of Governors will meet with the parent/guardian informally and will try to resolve the problem. Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the formal complaints process. Should a Governor be approached by a complainant, they should signpost the complainant back to the most appropriate person.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the School Office. They should be marked as Private and Confidential.

Complaints regarding the Headteacher should be addressed to the Chair of Governors and submitted via the School Office. They should be marked as Private and Confidential. The School Office will ensure the Chair of Governors receives this promptly.

Complaints about the Chair of Governors or any individual Governor or the whole Governing Body should be addressed to the Clerk to the Governing Body submitted to the School Office. They should be marked as Private and Confidential. The School Office will ensure that the Clerk receives this promptly.

4. Following an informal meeting with the Chair of Governors any unresolved issues may be investigated further, through the Formal Complaints Procedure – Stage 2.
5. At Maple Primary we believe in a non adversarial approach to hearing complaints. If the complaint cannot be resolved and moves to Stage 2 an independent complaints panel will be formed to hear the complaint. The Panel will consist of 3 members of the Governing Body, who have not been involved in hearing details of the complaint.

Members of staff who are on the Governing Body cannot sit on the panel. The complainant and the respondent will give evidence to the Panel separately.

The complainant must put the complaint in writing to the Chair of Governors on the appropriate form, which is attached to this policy document. The complainant must decide who they want to call to the panel hearing and what evidence, in the form of witness statements they want included. This must be done 10 school days before the hearing date. The complainant/parent cannot insist that a witness attends.

The witnesses and the papers for the hearing will be agreed, by the Complaints Panel, at least 6 school days before the hearing date. All parties will receive the papers 5 school days in advance of the hearing. A clerk will be appointed to minute the hearing.

If the complainant has difficulty expressing themselves in written English, a member of the administrative or support staff or a governor (providing they are not connected with the matter being complained of in any way) will assist with the completion of the Complaint Form, if required.

6. Most complaints are resolved by following the process within this Complaints Policy. If a complainant believes the school did not handle their complaint in accordance with this complaints policy and procedure or that it acted unlawfully or unreasonably in exercising its duties under education law, they can approach the Department for Education (DfE) after Stage 2 of the process. The DfE will not normally re-investigate the substance of a complaint or overturn any decisions made by Maple School. They will consider whether the school has adhered to education legislation and any statutory policies relevant to the complaint. The DfE will not substitute its decision for that of the Stage 2 Complaints Panel simply because the complainant disagrees with it.

The complaint can be referred to the Secretary of State for Education at the Department of Education:

Online: www.education.gov.uk/contactus

Telephone: 0370 000 2288

In writing: Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

Special Education Needs provision complaints

If your complaint is about the way the school has been delivering the provision set out in Section F of your child's EHCP, you may complain further to the Local Authority that maintains the EHCP. If this is Hertfordshire County Council you should contact:

Customer Service Team – Complaints, Postal Point: CHO118, Resources Department, Count Hall, Hetrford, SG13 8DF

Email: cs.complaints@hertfordshire.gov.uk

Governor review – Complaints where a child no longer attends the school and is no longer on roll

The purpose of this complaints process is to ensure that if an error has been made, or an injustice has occurred, action can be taken to try and provide a remedy. Where the complainant has removed their child from the School, it is impossible for the School to provide a remedy that will directly benefit them or their child.

However, as the Governing Body has a duty of care to pupils who remain on roll, where a child has left the School, it will ensure that the circumstances of any complaint made are reviewed so that the Governing Body is satisfied that the School had acted appropriately and that the relevant policies and procedures had been followed correctly.

Under this policy and procedure, where a child no longer attends the School and their name has been removed from the School roll, the Chair of Governors has the discretion to commission a Stage 2 Governor Review instead of a Stage 2 Complaints Panel. The Chair of Governors will choose one of the two options, to ensure that the complaint is investigated appropriately and that the complaints process can be concluded, however, the final decision as to which option they choose is entirely at their discretion.

Once a Governor has been appointed, they will review the original complaint, the Stage 1 Investigation and response, the complainant's reply to the Stage 1 response (including their escalation request) and any further evidence the complainant has submitted (this must relate to the complaint and cannot be in relation to new matters).

When the review is complete, either the Chair of Governors or the Governor who conducted the review will write to the complainant to inform them whether the complaint has been upheld or rejected, in full or in part, and of any changes to practice and procedures which have been agreed by the Governing Body.

Vexatious Complaints and unreasonable behaviour.

The school expects anyone who wishes to raise concerns with the school to

- Treat all members of the school community with respect and courtesy
- Respect all the needs of pupils and staff within the school
- Avoid violence, or threats of violence, towards people or property
- Follow the school's complaints procedure

Unreasonable behaviour may include:

Actions which are ...

- out of proportion to the nature of the complaint
- persistent even when the complaints procedure has been exhausted
- personally harassing

An insistence on

- pursuing unjustified complaints
- unrealistic outcomes to justified complaints
- making complaints in public or via a social networking sites such as Facebook
- refusing to attend appointments to discuss the complaint

In cases of unreasonably persistent complaints or harassment, the school may take some of the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach.
- Require all future meetings with a member of staff to be conducted with a second person/ member of staff present. In the interests of all parties, notes of these meetings may be taken.
- Inform the complainant/parent that, except in emergencies, the school will respond only to written communication and that they may be required to go through the Local Authority.

Procedures for Dealing with Complaints from Pupils

If pupils have a complaint, problem or worry related to any aspect of school, they should be encouraged to take any of the following steps:

1. Talk to their parent/guardian who can then approach the school on their behalf as outlined above.
2. Talk to their class teacher who will be able to deal with the issue at first hand. The class teacher should inform the Headteacher and other staff, if appropriate, as a matter of courtesy, providing confidentiality is not broken. In the case of a safeguarding issue confidentiality may be broken. The school will follow guidelines set out in its Safeguarding/Child Protection policies.
3. Talk to the Headteacher who can then liaise with all parties involved to solve the problem quickly.
4. Talk to a member of staff who they feel able to approach and this member of staff can then approach the Headteacher or class teacher on their behalf.
5. Talk to a friend who can then approach the Headteacher or member of staff on their behalf.

Procedure for Dealing with Complaints from Staff

If members of staff, teaching or non-teaching, have a complaint, problem or worry related to an aspect of school, they should be encouraged to take the following steps:

1. Arrange a meeting with the Headteacher to discuss the issue, as soon as possible, so that it can be dealt with fairly and quickly in an appropriate manner.
2. If the issue is felt by the Headteacher to be of significance to the Governing Body, then the Headteacher will notify the Chair of Governors in the first instance and appropriate action will then be taken. The member of staff must consent to the issue being taken to the Governing Body.
3. If it is an issue relating to the Governing Body, or an individual governor, then the

Headteacher will inform the Chair and/or the Vice Chair of Governors, who will take the appropriate action to resolve the problem.

4. If it is an issue relating to the Headteacher, then the member of staff should first speak informally to the Deputy or Assistant Headteacher, if appropriate. If the issue remains unresolved, the member of staff should then contact the Chair of Governors.

Procedures for Dealing with Complaints from the Wider Community

If members of the wider community have a complaint, problem or worry related to an aspect of school, they should be encouraged by whomever they approach to contact the Headteacher to discuss the matter. The Headteacher will seek to resolve this matter, after consultation with all relevant parties as appropriate. If the matter is not resolved after this first stage, a further meeting should be arranged with the Headteacher and, if necessary, the Chair of Governors, to discuss the issue further.

Procedures for Dealing with Complaints from Governors

If members of the Governing Body have a complaint, problem or worry related to an aspect of the school, they should be encouraged to take the following steps:

1. Take the opportunity at the Full Governing Body meetings, or Committee meetings, to voice their concerns so that issues can be dealt with openly and quickly.
2. If the issue is of a more sensitive nature, then they should approach the Chair and/or Vice Chair of Governors, who will take any necessary action to resolve the problem.

Complaints regarding compliance with General Data Protection Regulation (GDPR) legislation.

All schools are Data Controllers for the purposes of the General Data Protection Regulation ("GDPR"). Should the school receive a complaint concerning GDPR compliance, the written complaint should be forwarded to the Data Protection Officer (DPO) who will investigate the complaint and report back to the Head Teacher and complainant. If a breach is found to have taken place, the DPO will instigate the process to inform the Information Commissioner's Office (ICO).

The above procedures, do not replace any correct and agreed procedures set out in other school policies e.g. Staff Disciplinary and Grievance Policies, Whistleblowing Policy.

Complaints not within the scope of the procedure:

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals 	<p>Concerns should be raised direct with local authorities (LA).</p>
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH)</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/schooldiscipline-exclusions/exclusions</p> <p>*complaints about the application of the behaviour policy can be made through the school complaints policy https://maple.herts.sch.uk/download/complaints-procedure/</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees, including temporary staff and contractors.</p> <p>The Secretary of State for is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus</p> <p>Volunteer staff who have concerns about a school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above) depending on the</p>

	substance of your complaint.
<ul style="list-style-type: none"> • Staff grievances 	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<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 direct.
<ul style="list-style-type: none"> • National Curriculum – content 	Please contact the Department for Education at: www.education.gov.uk/contactus

Taken from the Department of Education 'Best Practice Advice for School Complaints Procedures 2021'

Guide to the Complaints Procedure

<p>Initial concern</p>	<p>Speak to the Class teacher</p>
<p>Stage 1</p>	<p>If not resolved at this stage, consider contacting the Headteacher to arrange a meeting to discuss the concern. The inclusion co-ordinator should attend if the matter concerns SEN. If not resolved....</p> <p>Request an informal meeting with the Chair of Governors.</p> <p>If the matter concerns the Headteacher, request an informal meeting with the Chair of Governors.</p> <p>All parties should seek to find a resolution</p>
<p>Stage 2 FORMAL</p>	<p>If unresolved, consider whether to move to a formal complaint. A formal complaint, must be put in writing to the Chair of Governors.</p> <p>The form, attached to this policy, must be completed by the complainant.</p> <p>A Panel will be convened to hear the complaint.</p> <p>The findings will be communicated to the complainant in writing.</p> <p>This is the end of the matter as far as the school is concerned.</p>

<p>Further Recourse</p>	<p>For further recourse, a parent/complainant can contact:</p> <p>Secretary of State for Education at the Department of Education:</p> <p>Online: www.education.gov.uk/contactus Telephone: 0370 000 2288 In writing: Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD</p> <p>Or If SEN:</p> <p>Customer Service Team – Complaints, Postal Point: CHO118, Resources Department, Count Hall, Hetrford, SG13 8DF Email: cs.complaints@hertfordshire.gov.uk</p>
--------------------------------	---

Maple Primary School - Complaint form

Please complete and return to the Chair of the Governing Body, who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email address:

Please give details of your complaint.

**What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?**

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: