



# Holy Trinity CE Primary School

## Complaints Policy

**Date: April 2017**

**Ratified by the Governing Body on: 23/05/17**

**Review date: September 2019**

**Signed:**  **(Chair of Governors)**

**Signed:**  **(Head/Principal)**

## Holy Trinity Church of England Primary School

### Complaints Policy

#### **Overview**

Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools are 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.

The prime aim of the school's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confident manner. Malicious complaints may incur appropriate action by the school.

Most concerns or complaints are of a general nature and are dealt with by the school. However, concerns or complaints about any of the following issues should be made in writing to Walsall Children's Services

- Delivery of the national curriculum
- School admissions or exclusions
- Special educational needs assessments
- Provision of religious education and collective worship (with the exception of church-aided schools)
- Delivery of disability services

All other concerns or complaints should be taken up with the school.

This Governing Body Complaints Procedure seeks to:

- Encourage resolution of problems by Informal means wherever possible;
- Be easily accessible and publicised
- Be simple to understand and use;
- Be impartial and non-adversarial;
- Allow swift handling with established time-limits for action and keeping people informed of the progress;
- Ensure a full and fair investigation by an independent person where necessary;
- Respect people's desire for confidentiality
- Address all the points at issue and provide an effective response and appropriate redress, where necessary;
- Provide information to the school's senior management team so that services can be improved

Further information can be found at  
[www.education.gov.uk/schools/leadership/governance](http://www.education.gov.uk/schools/leadership/governance)

## **Holy Trinity Church of England Primary School Complaints Policy**

### **Introduction**

The majority of issues raised by parents, pupils or the community are concerns rather than complaints. The school is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. The prime aim of the school's policy is to resolve the complaint as fairly and speedily as possible.

The following details outline the stages that can be used to resolve complaints;

This Complaints Policy has three main stages;

- **Stage 1** – A concern is raised informally with staff member / Headteacher
- **Stage 2** – Formal complaint is heard by Chair of Governors
- **Stage 3** – Complaint is heard by Governing Body's Complaints Panel.

### **Stage 1 – Raising a concern**

Concerns can be raised with the school at any time and will usually result in a speedy response, which will resolve the concern. The school requests that parents make their first contact with Class Teacher, Deputy Head or Headteacher. Sometimes the concern raised will require investigation, or discussion with others, in which case you will receive an initial response within a day or two and, if required, a subsequent substantive response.

The vast majority of concerns will be satisfactorily dealt with in this way. However if you are not satisfied with the result at stage 1, please write to the Chair of Governors within 10 days as set out below.

### **Stage 2 – Formal Complaint**

If you wish to make a formal complaint, please write to the Chair of Governors stating that you wish to make a formal complaint. Your letter should state details of the complaint and the outcome that you are seeking. The Chair will acknowledge receipt of the complaint and will then investigate the complaint with the school.

The investigation will be undertaken by the chair or a person appointed by the chair and acting on the chair's behalf. The nature of investigation will vary according to the complaint but may involve;

- Establishing **what** has happened so far, and **who** has been involved;
- clarifying the nature of the complaint and what remains unresolved;
- meeting with the complainant or contact them (if unsure or further information is necessary);
- clarifying what the complainant feels would put things right;

- interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conducting the investigation with an open mind and be prepared to persist in the questioning;
- keeping notes of the interview.

The chair will write to the complainant following the investigation and will outline her / his findings.

If you remain dissatisfied you will need to let the school know within 10 school working days of receiving the chair's findings on the complaint. Your complaint will then be considered by a panel of governors.

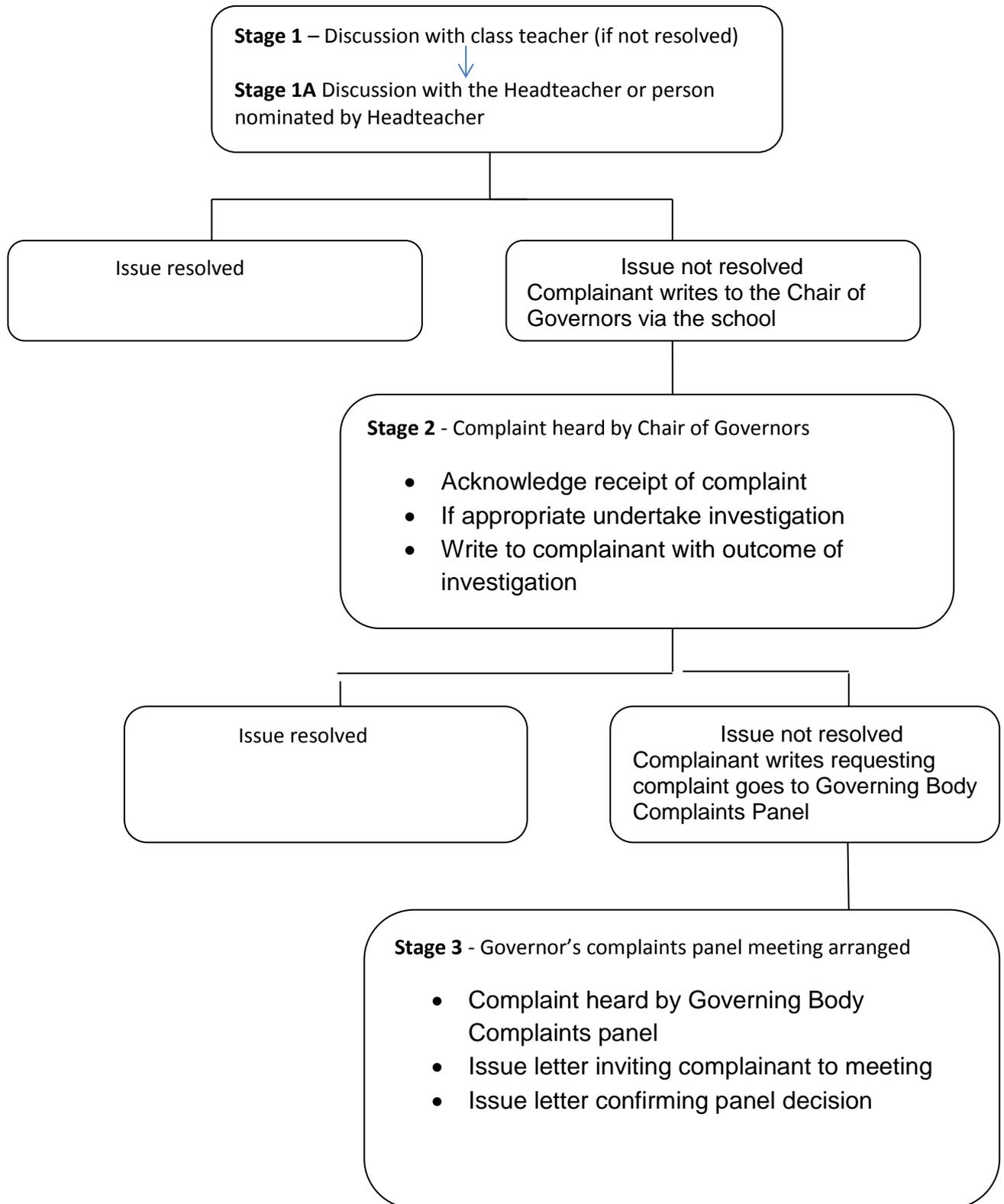
### **Stage 3 – Formal Complaint**

The final stage will involve a panel of Governors, the Governors appeal hearing is the last school-based stage of the complaints process. The aim of the appeal panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complaint. The hearing will normally take place within 10 school working days of the receipt of the written request. The panel will consider the chair's investigation and report and will also consider the representations of the complainant. All parties will be notified of the panel's decision in writing within three school working days after the date of the hearing.

The Governors appeal hearing is the last school-based stage of the complaints process.

If you believe that the Governing Body has acted unreasonably or has failed to carry out its statutory duties you may take your complaint to the Secretary of State for Education. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority, acting with due regard to its statutory responsibilities, would have reached that decision.

**Flowchart – Summary of dealing with Complaints**



**Holy Trinity C.E. ( C ) Primary School**

**Policy for dealing with complaints**

**Purpose:** To establish a procedure for dealing with complaints relating to the school, as required by section 29(1)(a) of the Education Act 2002.

**Scope:** All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters [ relating to the curriculum, exclusion, admissions etc...] which are subject to separate procedures.

**General Principles:**

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
  
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.
  
- Investigation of any complaint or review request will begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

Part A Complaining about the actions of a member of staff other than the Head Teacher.

**1) Informal Stage**

The complainant is normally expected to arrange to communicate directly with the member of staff<sup>1</sup> concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage within 2 working days of the complaint being received. [In the case of serious concerns it may be appropriate to address them directly to the Head Teacher<sup>2</sup>] An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. [ Any dispute in relation to the “reasonableness” may be determined through the review process ]

**2) Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Head Teacher<sup>2</sup> within one week of receiving the informal response. The head teacher will be responsible for its investigation.<sup>3,4</sup> This investigation would normally take place within 2 working weeks of the complaint being received or in cases where this is not possible then the complainant will be notified that it may take longer.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Head Teacher<sup>2</sup> may meet with the complainant to clarify the complaint.<sup>5</sup>

The Head Teacher<sup>2</sup> will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [ e.g. where staff disciplinary procedures are being followed ]

**The complainant will be told that consideration of their complaint by the head teacher is now concluded. If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Head Teacher<sup>2</sup> in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Head Teacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed.**

**If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.**

## **Part B Complaining about the actions of the Head Teacher**

### **1) Informal stage**

The complainant is usually expected to arrange to speak directly with the Head Teacher. [In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body<sup>6</sup>] Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

### **2) Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body<sup>6</sup> who will determine which of the agreed procedures to invoke<sup>3,4</sup>. If it is determined that the complaint is "General", the Chair<sup>6</sup> will arrange for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc... . In addition the complainant will be invited to meet with the Chair<sup>6</sup> to present oral evidence or to clarify the complaint.<sup>5</sup>

The Chair<sup>6</sup> will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Head Teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair<sup>6</sup>. Once there has been an opportunity for the Head Teacher to consider this, he/she will be invited to meet separately with the Chair<sup>6</sup>, in order to present written and oral evidence in response. The Head Teacher may be accompanied at this meeting by a friend or representative.

When the investigation has been concluded, the complainant and the Head Teacher will be informed in writing of the outcome within 2 working weeks. The complainant will not be informed of any disciplinary/capability action.

**The complainant will be told that consideration of their complaint by the Chair<sup>6</sup> is now concluded. If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair<sup>6</sup> is perverse, or that the Chair<sup>6</sup> has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair<sup>6</sup>. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair<sup>6</sup>, and include a statement specifying any perceived failures.**

### **Part C Review Process**

Any review of the process followed by the Head Teacher<sup>2</sup> or the Chair<sup>6</sup> shall be conducted by a panel of 3 members of the Governing Body.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite the Head Teacher<sup>2</sup> or the Chair<sup>6</sup>, as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant, and the Head Teacher<sup>2</sup> or the Chair<sup>6</sup>, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation [ where this is practicable ]

**A model letter is included in annex 3.**

### **Notes**

**The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.**<sup>7</sup>

**If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education and Skills.**

### **Superscripts**

<sup>1</sup> or other designated post-holder/middle manager, such as a Key-stage Co-ordinator, Head of Department, Head of Year.

<sup>2</sup> or other designated member of staff on behalf of the head teacher [ in such case the head must be satisfied that the process has been conducted properly and accept responsibility for the same ]

<sup>3</sup> Alternatively the complainant may be referred back to the informal stage of the procedure.

<sup>4</sup> If the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated.

<sup>5</sup> it may be appropriate to offer the complainant the opportunity to be accompanied by a friend at any such meeting.

<sup>6</sup> or designated governor responsible for investigating complaints

<sup>7</sup> For the avoidance of doubt, it may be helpful to specify the persons who are allowed access to the records.

**Holy Trinity C. of E. ( C ) Primary School**

**Investigation Procedure**

**Carrying out an Investigation into a Formal Complaint**

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.

Any procedure should include provision that “An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.” These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Where the Head Teacher<sup>2</sup> or Chair of Governors<sup>6</sup> receives a complaint, it should be acknowledged formally within 2 working days and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.(where practicable within 2 working weeks)

The member of staff against whom the complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out within 1 working week.

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant.

Once the complaint has been confirmed the investigator should establish who they wish to interview and what documentation they will need to review.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant and the member of staff should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible (within 1 working week where practical) to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interviews. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.

A summary of the process undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.

Any recommendations should also be shared with all parties, unless there is good reason not to. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Governing Body.

The Governing Body should invite the LEA to express a view on the retention of records of any complaints procedure. The most extreme stance would be that: "All documentation relating to the complaint and its investigation and outcomes should be stored securely for a period of six years. [Where the complaint is on behalf of a child, then the school may wish to retain the documentation until 6 years after the child has attained the age of 18]"

**Holy Trinity C. of E. ( C ) Primary School.**

**Complaint Form**

Please complete this form and return it to Head Teacher / Clerk to Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school [ e.g. parent of a pupil on the school's roll ]:

.....

Pupil's name [ if relevant to your complaint ]:

.....

Your Address:

Daytime telephone number: .....

Evening telephone number: .....

Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated.:

You may continue on separate paper, or attach additional paperwork, if you wish.

Number of additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? [i.e. who have you spoken with or written to and what was the outcome?]

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

Signature:

Date:

School use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			



### **Model Response to spurious complainant**

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the governing body's General Complaints Procedure as:

[Please select appropriate wording from the following]

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may take advantage of the procedure outlined in Annex 3 of the complaints procedure, by writing to the Clerk to the Governing Body.

Yours sincerely,

Head Teacher

Or Chair of Governing Body

Model letter of

**NOTIFICATION OF DECISION REGARDING GENERAL PARENTAL COMPLAINT**

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

**OR**

- The concern is not substantiated by the evidence in that .....

**OR**

- The concern was substantiated in part/in full, as ..... The school will review its practices/procedures..... with the intention of avoiding any recurrence. Parents will be informed in due course of any policy changes.

**OR**

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours truly

Head Teacher / Chair of Governing Body

c.c. Head Teacher

## Model REVIEW OUTCOME NOTIFICATION

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the General Complaints Procedure was followed appropriately in respect of your complaint in that .....

Therefore, the matter is now closed as far as the school is concerned.

**Or**

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Head Teacher/ Chair of Governors followed the General Complaints Procedure except .....

Therefore, the following action will be taken .....

Once this action has been completed the school will consider the matter to be closed.

**Or**

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Head Teacher/ Chair of Governors followed the General Complaints Procedure except that .....

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours truly

Chair of Complaints Review Panel

c.c. Head Teacher

Chair of Governors