



## COMPLAINTS POLICY

Policy Name	Complaints
This Review Date	Oct 2018
Next Review Due	2021
Cycle	3 years
Ratified by Full Governing Body on	Oct 2018

### PROCEDURES FOR DEALING WITH COMPLAINTS

At Woolenwick Junior School we undertake to provide a friendly and safe environment in which pupils will be helped to achieve their potential, both academically and socially.

We believe that a close partnership between the school, parents and pupils is essential to ensure pupil progress and their well-being. In support of this, parents/carers are invited to enter a Home-School Agreement. This agreement sets out the school's aims and values, as well as the responsibilities of the school and parents/carers, and our expectations of pupils.

Through our programme of meetings between parents/carers and teachers, as well as through informal contact, we provide opportunities for parents/carers to raise matters of concern – about the curriculum or more general issues. If a concern is not resolved through discussion with a teacher, the parent or the teacher can refer it to the Headteacher. Complaints from members of the public should be made directly to the Headteacher.

Complaints will be dealt with under the school-based complaints procedure adopted by the Governing Body, and although procedures are set out, they are not exhaustive.

#### How to make a complaint In the first instance – **informal stage**

If you have a concern about anything we do, or if you wish to make a complaint, you can do this by telephone, in person or in writing (by letter or email). We hope that most complaints can be settled quickly and informally, either by putting matters right or by giving you an explanation. If there is something you are not happy about, or you don't understand why we are doing something in a particular way, please come in and discuss it with the class teacher or another appropriate member of staff, such as the Special Educational Needs Co-ordinator (SENCo) if it is about Special Needs

#### **Formal stage 1**

Request a meeting with the Headteacher who will investigate your complaint and aim to inform you of the outcome within 10 school days (2 weeks). If your first contact is with individual Governors, they will advise you to take up your concerns with the appropriate member of staff or Headteacher. A Governor should not be made aware of a potential complaint as they may be required to sit on a Panel in the event of a formal hearing (Stage Two) and should be

impartial. If your complaint is about the Headteacher, you should write to the Chair of Governors. If your child has a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan (EHCP) you might find it helpful to talk to our Special Educational Needs Co-ordinator (SENCo) or your child's named Special Needs Officer at the Local Authority. The SEND Information Advice and Support Service (SENDIASS – formerly Parent Partnership) may also be able to help you

The headteacher will offer a meeting with the parent or other complainant, as far as possible at a mutually convenient time. At that meeting, and through discussion, the headteacher will seek an outcome that is acceptable to all parties involved.

If the headteacher is unable to resolve the complaint within 10 school days, or is the subject of the complaint, the Headteacher or the complainant can refer it to the Chair of Governors; at this point the complaint must be put into writing.

## **Formal stage 2**

### **The Chair of Governors will**

- Write to the complainant acknowledging their complaint and enclosing a copy of the complaints policy. A meeting will be offered to the complainant with either the Chair of Governors or another appropriate governor, determined by the nature of the complaint.
- Write to the Headteacher, informing them a complaint has been received and ask for an initial response within 5 school days. (If the complaint is about the Headteacher, a response is not required.)
- Inform the Chair of Complaints that a complaint has been received.
- Determine how the complaint will be handled: by a panel review of governors or at a full hearing.
- Send the completed complaints form to anyone relevant to the complaint so they can respond in writing if they wish, giving them 5 school days to respond.

### **The Chair of Complaints will:**

- Write to the complainant, enclosing the official complaint form within 3 school days. The complaints form will enable the complainant to set out their concerns in detail, but this is not essential. The completed complaints form should be returned to the Governing Body within 5 school days of its receipt.
- The Chair of Complaints will arrange a meeting of the complaints panel (usually 3 governors) of the Governing Body, as far as possible at a time convenient to all parties, within 15 school days from receipt of the complaints form.

You should make sure that the Governors' Complaint Panel is provided with any written information or evidence you intend to use in a formal hearing. You may bring a friend, representative or interpreter to any meeting if you wish. The Chair of the Panel may invite any person who may help establish the facts of the complaint. The Chair should tell you who this person is before the meeting. If any member of staff is required by the Governing Body to attend a meeting they will have the opportunity to be accompanied or represented as they wish. A member of staff named in a complaint may also choose to attend a meeting, even if not required to do so by the Governors. They may be represented. If this happens, we will inform you in advance. When the Panel has fully investigated your complaint, the Chair of the Panel or the Governor in charge of the investigation will write to you to tell you the findings.

The complaints panel will either be a Complaints Hearing Panel or in certain circumstances a Governor Panel without the need for a hearing.

## Complaints Hearing Panel

- The complainant, the Headteacher and any member of staff about whom there are complaints will be invited to the hearing. Any person invited can bring a friend or supporter if they wish. **This is called a Complaints Hearing Panel, to be known as a Hearing** and will follow the model procedures set out by HCC. The clerk will be in attendance to record proceedings. If the Chair of Governors or another Governor has been involved in discussions to help settle the matter at the informal Stage they will arrange for another Governor to take charge of the situation. Neither the Chair of Governors nor the Governor in charge should sit on the Panel themselves and they should instead ensure that a Panel is convened in line with the timeframes and guidance set out in the school's complaints procedure. The procedure for the hearing itself is the model procedure for Hertfordshire Schools. Any recommendations made by the governors in their determination of the complaint will be discussed at the next available governors meeting or sooner if necessary.
- In certain circumstances, determined by the Chair of Governors and the nature of the complaint, a panel of 3 governors will meet to interview staff and consider all evidence before determining a decision without the need of a hearing (**Governor review panel**). They may also wish to invite the complainant or any other relevant person to speak with them. The complainant will always be given the opportunity to submit any additional evidence as well as their complaints form. The decision of the panel will be given in writing within 48 hours of the panel meeting and sent to the complaint along with any recommendations to the school. This process will also take place within 15 school days of receiving the complaint form.

If the complaint is complex, the Chair of Governors can appoint an investigating officer to gather evidence and conduct preliminary interviews. The Governor in charge of investigating the complaint may ask to meet you to discuss your concerns. The investigating officer will then support the complaints panel in hearing the case.

In the event of the Chair of Complaints being unable to chair the hearing, the Chair of Governors will either find another suitable person or chair the panel themselves, with the aid of the Clerk.

The complaints panel will consider any written material, and also give the person making the complaint, the Headteacher and staff an opportunity to state their case and to question the other side during a hearing. The chair of the panel will ensure that all present are treated fairly.

The panel will give a decision as soon as possible after the hearing, and will confirm it in writing, along with the reasons for their decision. Recommendations may also be made.

Our Governing Body will aim to deal with your complaint within 28 school days (5½ weeks)

### **Complaint made by one member of Staff against another** (including the Headteacher)

Complaints from members of Staff are not covered by this procedure. They should be dealt with by the Headteacher (where appropriate) or the Chair of Governors informally in the first instance. If this approach fails to resolve the issue, the next step would be for the Staff Grievance Procedure to be invoked (by the person bringing the grievance).

### **Complaint made by a Governor about a member of Staff**

This should be dealt with through the complaints process outlined in this document. Clearly the Governor concerned would have to withdraw from any meeting at which the complaint or its outcome was being discussed. If the complaint is related to the conduct of a member of Staff, it would be more appropriate to invoke the School's Disciplinary Procedures.

### **Complaint by a Governor about another Governor** (including the Chair of Governors)

Complaints by a Governor about another Governor should be dealt with informally in the first instance to try and resolve the matter as swiftly as possible. In most cases, this should be handled by the Chair of Governors. If however, the complaint is about the Chair of Governors, the Vice Chair of Governors should handle the matter. Should it remain unresolved, a Panel of Governors should be convened as per the guidance on process set out in this document to hear the complaint. Should the Governor handling the matter consider that it is not possible to convene a Panel of impartial Governors, then it may be possible to convene a Panel comprised of Governors from other schools. Should this situation ever arise, the Governor handling the matter should contact School Governance on 01438 843082 for advice.

Governors should be mindful of their behaviour and attitude throughout their tenure in the role. Useful guidance from the Committee on Standards in Public Life regarding the 7 principles of public life can be found at the following link: <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

### **Complaint by a member of Staff against the action/decision of the Governing Body**

If the decision was taken at a meeting of the full Governing Body the matter would have to be put on the agenda for review at another meeting and if the decision was then confirmed, that would be the end of the matter. (For this reason it is important that matters that could potentially lead to a complaint or appeal are routinely dealt with by a committee with delegated authority, in order to allow for an appeal or a rehearing by an unprejudiced second group of Governors). If a committee or individual with delegated authority took the original decision then a Panel of Governors who were not involved in the decision should review the matter, ensuring that the member of Staff concerned was given an opportunity to state his/her case to the Panel. Any decision by the Panel would be final.

### **Complaint by a member of the public** (not a Parent)

Complaints from members of the public are most likely to be dealt with by the Headteacher and beyond that the Chair of Governors.

### **Complaint by a Parent whose child no longer attends the school**

The purpose of this complaints process is to ensure that if an error has been made, or an injustice done, some action can be taken to remedy matters for the injured party. Where Parents have removed their child from the roll of a school it is clearly impossible for the Governing Body to put things right for that child. However, the Governing Body has a duty of care to the pupils who remain on roll and it would be advisable for Governors to review the circumstances to satisfy themselves that no one had acted inappropriately and that procedures and policies had been followed correctly. Whilst it is not necessary to convene a Governor's Complaint Panel, it would be good practice to inform Parents whether the complaint had been upheld or otherwise and of any changes to practice and procedures which have been agreed by the Governing Body. If a child is removed from roll after a complaint has been made, it is at the discretion of the Chair of Governors as to whether to proceed with a full Governors Complaint Panel or a Governor Review. Hertfordshire County Council will not investigate any complaints further where the child no longer attends the school in question as there is no tangible benefit in doing so beyond the school's complaints procedure. Complaints regarding compliance with Data Protection and Freedom of Information legislation All schools are

responsible for their own compliance with the Data Protection and Freedom of Information Acts, regardless of their status. Hertfordshire County Council is not responsible, even if the school is a Community or Voluntary Controlled school. Should your school receive a complaint concerning Data Protection or Freedom of Information compliance, the complaints process outlined in this document should be followed

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### **Additional Functions of the Governing Body**

The Governing Body of a maintained school shall:

- Establish procedures for dealing with all complaints relating to the school and publicise the procedures so established.
- In establishing or publicising these procedures, the Governing Body shall have regard to any guidance given from time to time by the Secretary of State (in relation to England) or by the National Assembly for Wales (in relation to Wales).

In addition to this complaints policy the Governing Body will take regard to the HCC procedures at all times. A copy of this can be found on the HCC website or you can request a printed copy from the school office.

### **This Policy does not cover:**

- Child Protection Procedures
- Appeals about admissions
- Complaints about fixed term or permanent exclusions from school
- Staff Disciplinary Procedures
- Whistleblowing Policy

All these policies can be found on our website

**In the case of complaints about Special Educational Needs provision**, you may complain further to the Local Authority. This should be done by writing to the Children's Services Complaints Manager. It should be noted however that if you wish to pursue this route, you must do so within 20 working days (4 weeks) of receiving the written outcome of the hearing into your complaint. After 20 working days (4 weeks), neither the school nor the Local Authority is under any obligation to investigate or progress your complaint any further.

Useful contacts

Special Educational Needs & Disability Information Advice Support Service (SENDIASS)

Web: [www.hertfordshire.gov.uk/sendiaass](http://www.hertfordshire.gov.uk/sendiaass)

Email: [SENDIASS@hertfordshire.gov.uk](mailto:SENDIASS@hertfordshire.gov.uk) Phone: 01992 555847

### **What happens after the investigation/hearing?**

When the complaint has been fully investigated and the hearing has taken place, Parents should be notified of the findings only in writing by the Chair of the Panel hearing the complaint or the Governor responsible for the investigation within 5 school days (1 week) of the hearing

date. The report), with findings, should, at the same time, be published to the Governing Body as a confidential item and will, in addition, include any recommendations. A meeting of the Governing Body must accept the findings but can accept, reject or reject in part, the recommendations. Personal details should not be disclosed, but an outline of the complaint hearing and findings should be given. The Chair of Governors should write to the Parents to confirm any actions agreed by the Governing Body. Any agreed actions must be implemented by whoever it applies to - this could be the Governing Body as well as the Headteacher. Parents should also be informed whether and how they can take their complaint further. A copy of the report must be sent to the Headteacher and the Children's Services Complaints Manager in the case of a Special Educational Needs complaint, where there is a possibility of a third stage of complaint to the County Council.

### **Can Parents complain to anyone other than the County Council?**

Parents have the right to complain to the Secretary of State at the Department for Education (under the Education Act 1996), if they believe that the Governing Body or the LA is acting or proposing to act unreasonably (section 496), or is failing to carry out a statutory duty (section 497). This has to mean that the LA or the Governing Body is acting outside its powers, or misusing them. Only then would the Secretary of State follow up the complaint. The Secretary of State will then contact the Governing Body or LA for information. The contact details for the Secretary of State are as follows:

The Secretary of State Department for Education Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT