

The Robert Drake Primary School

Complaints Procedure





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Complaints Procedure Policy

This policy applies to any matter (other than matters relating to admissions and exclusions which have their own processes) which has been raised with the academy by parents of pupils as a matter of concern but which has not been capable of resolution informally and which the complainant or the academy consider should be dealt with on a formal basis.

Complaints that have been raised by persons who are not parents of pupils currently at the academy will not be dealt with in accordance with the framework below. Any such complainant should seek to resolve their complaint informally with the Headteacher. If this fails then the complaint should be put in writing and addressed to the Chair of Governors at the academy. The Chair will acknowledge receipt and issue a final written response within 20 school days. The Headteacher or Chair of Governors may require at any time that such a complaint is put in writing in any event.

This policy must be made available to parents of pupils.

Stage 1 – Informal Resolution

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Robert Drake Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible. Generally, it is expected that where the matter relates to a pupil it will have been raised with the pupil's class teacher or deputy headteacher before a request is made to deal with it under this policy.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, The Robert Drake Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the academy's behaviour code adopted from time to time. The Chair of Governors shall have

discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

Where the matter is not resolved at the informal stage, the parent may elevate it to the formal stage.

How To Raise A Concern Or Make A Complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher, deputy headteacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Anonymous Complaints

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time Scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Stage 2 – Formal Resolution (Investigation by a Nominated Individual)

1. The complainant must put the complaint in writing, addressed to the headteacher, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the academy has not met reasonable expectations.
2. An investigation will be carried out by a nominated individual identified by the headteacher as appropriate, who may offer the complainant a meeting and speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of the meeting with the complainant and if no meeting is to take place within 25 school days of the complaint being received.

Any complaint relating to the headteacher must be raised in the first instance with the Chair of Governors (or vice-chair in the absence of the chair) who will, if an informal

resolution cannot be reached, designate a governor to investigate in the same way as in the first stage of the formal process outlined above.

Where a complaint is brought against a governor, the Chair of Governors will investigate the complaint (or appoint another governor to do so) in the same way as in the first stage of the formal process outlined above.

If the complaint is against the Chair of Governors, then the vice-chair will investigate the complaint (or appoint another governor to do so) in the same way as in the first stage of the formal process outlined above.

Stage 3 – Formal Resolution (Panel Hearing)

1. If the complainant is not satisfied with the response of the investigator, she/he may request that the complaint be considered by the complaints panel of the governing body which will comprise at least three people who have not previously been directly involved in the matter including one person who is independent of the management and running of the academy. That request must be in writing, addressed to the clerk to the governors at the academy, within 10 school days of the response being sent to the complainant and must set out briefly the reasons why the complainant is dissatisfied with the response.
2. The clerk will invite the academy to put in writing its response to the complainant's reasons. The academy will do this within 15 school days of receiving the request and at the end of that period (whether or not the academy has responded) the clerk will convene a meeting of the complaints panel of the governing body. That meeting will be held on academy premises as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the academy and the members of the panel. Whenever possible, the meeting will be held within 15 school days of the end of the academy's response time. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.
3. The meeting is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to put forward her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The academy will have the opportunity to put its side of things and each side, as well as the panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the panel.
4. The panel may make findings and recommendations and a copy of those findings and recommendations will be
 - (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
 - (ii) available for inspection on the academy premises by the academy trust and the headteacher.

5. The panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the clerk to the governors will notify all concerned.

Attendance at a Complaints Panel Hearing

The complaints panel will proceed irrespective of whether or not the complainant and/or their representative attend. If the complainant fails to attend on the day without compelling reasons, the complaints panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

Serial or Persistent Complainants

If a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of Governors may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, and that continued correspondence is vexatious and that the academy trust will not respond to any further correspondence on this issue or a closely related issue.

Record Keeping

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 2, or whether it proceeded to a stage 3 panel hearing. The action taken by the academy as a result of a complaint (regardless of whether they are upheld) will also be recorded.

Confidentiality

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

Education and Skills Funding Agency (ESFA)

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a stage 3 request within the time stated in the policy) the matter is closed. If the complainant is still not satisfied then they may contact the ESFA. There is an online procedure at:
<https://form.education.gov.uk>

In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS Requirements will be dealt with in accordance with the following process:

- The written concern/complaint will be acknowledged within 5 days;

- The Headteacher will investigate the concern or complaint which may include meeting with the complainant and the Head of Early Years. A written response notifying the complainant of the outcome of the investigation will be sent within 28 days of the complaint being received.
- Where the complainant remains dissatisfied, the Headteacher will ensure that a formal complaints panel will be convened in accordance with stage 3 of this policy

A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.

Parents are further advised that where you have concerns regarding the Academy meeting EYFS requirements they may contact Ofsted on 0300 123 4666

Reviewed: Spring Term 2019
Date of next review: Spring Term 2021



COMPLAINT FORM

Please complete and return to Miss C Redpath, Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number: Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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:

ROLES AND RESPONSIBILITIES

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect

- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure

- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

- The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:
 - both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
 - the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy

- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.