

Danbury Park Community Primary School



Concerns and Complaints Policy

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Be wise, be happy, belong

Danbury Park Community Primary School

Concerns and Complaints Policy

1. Introduction

- 1.1. At Danbury Park Community Primary School we welcome feedback and enquiries from anyone about any matter relating to our school. This may be from pupils, parents, visitors and members of our community. In practice this dialogue is continuous, sometimes directly and also indirectly.
- 1.2. Compliments are always welcome and are very encouraging to teachers and staff. It may not always be possible to act immediately but pupils and the school always benefit so we would encourage these to be forthcoming.
- 1.3. It is natural that from time to time pupils, parents, visitors and members of the community may have concerns or complaints and the school has in place set procedures for dealing with these.
- 1.4. A compliment, concern or complaint can be made in person, by telephone or in writing.

2. Concerns

- 2.1. A concern is defined as a need to express a worry or a doubt over an issue which is considered by the person raising the concern to be important and for which reassurances are sought.
- 2.2. Parents, in particular, may occasionally be concerned about an aspect of their child's education or welfare at school. This could include issues concerning the school's approach to aspects of the curriculum, homework, behavioural problems or any other issue.
- 2.3. Teachers and staff are happy to explain the school policies, procedures and practices and how they affect the pupils. The vast majority of concerns are handled by the class teacher, the key stage leader or by the subject leader if this is more relevant and helpful.
- 2.4. The usual procedure is to speak or write to the child's class teacher in the first instance, or to contact the school office to arrange an appointment to discuss the concern with the appropriate member of staff. At all times the staff will help to resolve a problem.
- 2.5. Many issues can be resolved informally, without the need to invoke formal procedures. At Danbury Park School we take all concerns seriously and make every effort to resolve the matter as quickly as possible.

3. Complaints

- 3.1. Sometimes pupils, parents, visitors and members of our community feel that the matter is more than a concern and this becomes a complaint. A complaint is defined as an expression

of dissatisfaction about actions, or lack of action, taken by the school. Complaints may be made orally or in writing.

3.2. It is in everyone's interest that complaints are resolved at the earliest possible stage and the school has in place a four stage process to facilitate this. The school's policy is to follow the Department for Education and the Local Authority (Essex County Council) guidelines when handling concerns and complaints.

3.3. Any person, including members of the public, may make a complaint about any provision of facilities or services that the school provides. For some complaints separate statutory procedures apply. These include:

- Admissions to schools;
- Statutory Assessment of Special Educational Needs;
- School re-organisation proposals;
- Matters likely to require a Child Protection Investigation;
- Exclusion of children from school;
- Whistleblowing;
- Staff grievances and disciplinary procedures.

The school will advise the correct procedure to follow if this is the case.

3.4. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.

3.5. It is expected that complaints will be made as soon as possible after an incident and that this would usually be within three months.

4. General Data Protection Regulations (GDPR)

4.1. Concerns and complaints relating to data protection will be dealt with following this policy and the Data Breach Policy.

5. Complaints Procedure

5.1. **Stage 1** aims to resolve the complaint through informal contact at the appropriate level in school.

5.2. **Stage 2** is the first formal stage where complaints are considered by the headteacher.

5.3. **Stage 3** is the second formal stage where complaints are then considered by the designated governor, who has responsibility for dealing with complaints.

5.4. **Stage 4** is the final step once Stage 3 is complete. It involves a complaints review panel of governors.

5.5. These stages are explained in more detail below.

5.6. If a complaint concerns the headteacher personally, it should be brought to the attention of the chairperson of the school's governing body via the school office. Any written correspondence should be marked "confidential" and "For the attention of the Chair of Governors".

- 5.7. Complaints against any individual named governor should be made in writing via the school office, marked “confidential” and “For the attention of the Clerk to the Governing Body”.
- 5.8. A complaint about a third party, such as providers of before or after school clubs and activities, should be made directly to the provider, who will follow their own complaints procedure.

6. Stage 1 – Initial Contact with the School

- 6.1. The procedure is initially the same as for raising a concern and this is for the person making the complaint to speak or write to the child's class teacher in the first instance or to contact the school office to arrange a mutually convenient appointment to discuss the concern with the appropriate member of staff. At all times the staff will help to resolve a problem.
- 6.2. The member of staff will meet with, or contact the person making the complaint by telephone or in writing, as soon as possible after the complaint is made known to us and this will be within three working days.
- 6.3. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
- 6.4. We will ensure that the person making the complaint is clear about what action or monitoring of the situation, if any, is agreed and we will confirm this in writing.
- 6.5. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into the complaint.
- 6.6. We will discuss with the person making the complaint within ten working days the progress of our enquiries. There will be the opportunity of asking for the matter to be considered further, once we have responded to the complaint.
- 6.7. If the complainant is still dissatisfied following this informal approach, the complaint will be moved to Stage 2.

7. Stage 2 – Formal Consideration of the Complaint by the Headteacher

- 7.1. This stage in our procedures deals with complaints once Stage 1 has been completed. It applies where the informal approach to dealing with the complaint, as outlined under Stage 1 above, has not resulted in the matter being satisfactorily concluded.
- 7.2. At this stage the complaint should be brought to the attention of the headteacher. S/he will acknowledge the complaint in writing as soon as possible after receiving it. This will be within three working days.
- 7.3. Normally the headteacher will respond in full within ten working days but if this is not possible s/he will write to explain the reason for the delay and provide information about when s/he hopes to be able to provide a full response.
- 7.4. As part of our consideration of a complaint, we may invite the complainant to a meeting to

discuss the complaint to gather more information and detail. At this meeting the complainant may ask someone to accompany him/her to help explain the reasons for the complaint. The headteacher may also be accompanied by a suitable person.

- 7.5. Following the meeting, the headteacher will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
- 7.6. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or s/he would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
- 7.7. The headteacher will keep a written, signed and dated record of all meetings and telephone conversations, and other related documentation.
- 7.8. Once we have established all the relevant facts, we will send the complainant a written response to the complaint. This will give a full explanation of the headteacher's decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may extend an invitation to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations.
- 7.9. If the complaint is not concluded after Stage 2, the complainant may wish to proceed to Stage 3.

8. Stage 3 – Formal Consideration of the Complaint by the Designated Governor

- 8.1. This stage in our procedures deals with complaints once Stages 1 and 2 have been completed and they have not resulted in the matter being satisfactorily concluded.
- 8.2. At this stage the complaint should be brought to the attention of the designated governor with responsibility for dealing with complaints. S/he will acknowledge the complaint in writing as soon as possible after receiving it. This will be within three working days.
- 8.3. Normally the designated governor will respond in full within ten working days but if this is not possible s/he will write to explain the reason for the delay and provide information about when s/he hopes to be able to provide a full response.
- 8.4. The designated governor may invite the complainant to a meeting to discuss the complaint in more detail. At this meeting the complainant may ask someone to accompany him/her to help explain the reasons for the complaint. The designated governor may also be accompanied by a suitable person.
- 8.5. The designated governor will discuss the complaint with the headteacher and will take into consideration the findings from her prior investigations.
- 8.6. The designated governor will keep a written, signed and dated record of all meetings and telephone conversations, and other related documentation.
- 8.7. Once the designated governor has reviewed all the relevant facts, s/he will send the complainant a written response to the complaint. This will give a full explanation of the

designated governor's decision and the reasons for it. If follow-up action is needed, s/he will indicate what the school is proposing to do. S/he may extend an invitation to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations.

8.8. If the complaint is not concluded after Stage 3, the complainant may wish to proceed to Stage 4.

9. Stage 4 - Consideration by a Complaints Review Panel

9.1. If the complaint has already been through Stages 1, 2 and 3 and the complainant feels that the matter has not been resolved, a complaints review panel can be set up to consider the complaint. This is a formal process, and the ultimate recourse at school level.

9.2. The purpose of this arrangement is to allow the complaint to be heard in front of a panel of governors who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.

9.3. The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the complainant. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure the complainant that the complaint has been taken seriously.

9.4. The complaints review panel operates according to the formal procedures as detailed in Appendix 1.

9.5. The school will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

10. Serial and Persistent Complainants

10.1. Danbury Park Community Primary School will do its best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by an individual making the same points, or who asks us to reconsider their position, the school needs to act appropriately.

10.2. There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. The Department for Education advises that it is important for schools to recognise when it really has done everything it can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors will inform them that the procedure has been completed and that the matter is now closed.

10.3. If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. The decision to stop responding is never taken lightly. However, the school will be careful that we do not mark a complaint as 'serial' before the complainant has completed the

procedure. The application of a 'serial or persistent' marking will be against the subject or complainant itself rather than the complainant.

11. The Role of the School Complaints Unit

- 11.1. If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so. The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State.
- 11.2. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.
- 11.3. The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, the SCU may request that the complaint is looked at again.
- 11.4. If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct.
- 11.5. Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to:
Department for Education School Complaints
Unit 2nd Floor
Piccadilly Gate
Store Street
Manchester
M1 2WD

12. Roles and Responsibilities

- 12.1. The Complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:
 - co-operates with the school in seeking a solution to the complaint;
 - expresses the complaint in full as early as possible;
 - responds promptly to requests for information or meetings or in agreeing the details of the complaint;
 - asks for assistance as needed;
 - treats all those involved in the complaint with respect.

12.2. The Headteacher will:

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
 - sharing third party information;
 - additional support - this may be needed by complainants when making a complaint including interpretation support.

12.3. The governor with responsibility for complaints will:

- provide 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 and through consideration of records and other relevant information;
- effectively liaise with the complainant and the headteacher as appropriate to clarify what the complainant feels would put things right;
- identify solutions and recommend courses of action to resolve problems;
- be mindful of the timescales to respond; and
- respond to the complainant in plain and clear language.

12.4. The Panel Clerk (Clerk to the Governors) is the contact point for the complainant for the panel meeting and is expected to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision.

12.5. The Panel Chair has a key role in ensuring that:

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – 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 hearing;

- liaise with the Clerk and complaints co-ordinator.

12.6. The Panel Members will need be aware that:

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;

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

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

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

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel 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 panel 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 panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

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

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

APPENDIX 1

Stage 4 - Complaints Review Panel Procedures

- The clerk to the governing body will aim to arrange for the panel meeting to take place within **20 working days**.
- The clerk will ask whether the complainant wishes to provide any **further written documentation** in support of the complaint. This can include witness statements, or asking witnesses to give evidence in person, if wished.
- The headteacher will be asked to prepare a **written report** for the panel. Other members of staff directly involved in matters raised in the complaint will also be asked to prepare reports or statements.
- The clerk will inform the complainant, the headteacher, any relevant witnesses and members of the panel by letter, at least **five working days** in advance, of the date, time and place of the meeting. We hope that the complainant will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if preferred.
- With the letter, the clerk will send all relevant correspondence, reports and documentation about the complaint and ask whether the complainant wishes to submit **further written evidence** to the panel.
- The letter will explain what will happen at the panel meeting and the clerk will also explain that the complainant **is entitled to be accompanied** to the meeting. It is usually best to involve someone in whom the complainant has confidence but who is not directly connected with the school. They are there to give the complainant support but also to witness the proceedings and to speak on the complainant's behalf if wished.
- With the agreement of the chair of the panel, the headteacher may invite **members of staff** directly involved in matters raised by the complainant to attend the meeting.
- The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating and will do his or her best to **put everyone at ease**.
- As a general rule, no evidence or witnesses **previously undisclosed** should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
- The chair of the panel will ensure that the meeting is properly **minuted**. Any decision to share the minutes with the complainant, is a matter for the panel's discretion and there is no automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
- Normally, the written outcome of the panel meeting, which will be sent to the complainant, should provide all the information required. If, however, the complainant feels that s/he would like to have a **copy of the minutes** this should be indicated in advance. If the panel is happy for the minutes to be copied to the complainant, the clerk can then be asked to maintain confidentiality in the minutes.
- During the meeting, there will be opportunities for:
 - The complainant to explain the complaint;
 - To hear the school's response from the headteacher;
 - The complainant to question the headteacher about the complaint;
 - The complainant to be questioned by the headteacher about the complaint;
 - The panel members to be able to question the complainant and the headteacher;
 - Any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
 - The complainant and the headteacher to make a final statement.
- In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the the complainant and the headteacher **within two weeks**. All participants other than the panel and the clerk will then leave.

- The panel will then consider the complaint and all the evidence presented in order to:
 - reach a unanimous, or at least a majority, decision on the complaint;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
- The clerk will send the complainant and the headteacher a written statement outlining the decision of the panel **within two weeks**. The letter will explain what further recourse, beyond the governing body, is available.
- The school will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.