

**COMPLAINTS POLICY
2015**

Complaints Policy

Aims

The aim of the policy is to ensure we deal with complaints in a measured, solutions-orientated way, whilst complying with legal requirements.

Principles

1. This policy sets out the school's approach to dealing with parental concerns and other complaints.
2. We value good home/school relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.
3. We welcome feedback on what parents feel we do well, or not so well, as a school. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.
4. We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils.
5. All school staff, teaching and non-teaching; and members of the Governing Body, will receive a copy of this policy statement and will be familiar with the school's procedures for dealing with parental concerns and complaints, to which they will have access as required.
6. The school's procedures will be reviewed every three years and updated as necessary.
7. Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all the stages of the school's procedures have been exhausted, if this appears to be appropriate.
8. The Government advocates the resolution of parental concerns and complaints at school level wherever possible, in the interests of maintaining good home/school relations.
9. The four main school-based stages are set out in the 'Practice' section which follows.

Practice

Complaint Stages

Our policy sets out four in-school stages for dealing with complaints:

Stage 1: Informal Complaint. We encourage complainants to meet to discuss a complaint/concern informally with an appropriate member of staff (although not the subject of the complaint) in the first instance.

Stage 2: Formal Complaint. Should the complainant be dissatisfied with the outcome of the first stage, a complaint can be made, in writing, to the Headteacher. The Headteacher will reply, wherever possible, within ten working days – see details attached.

Stage 3: Complaint to the Chair of Governors. Should the complainant be dissatisfied with the outcome of Stage 2, or if the complaint concerns the conduct of the Headteacher, a letter should be written to the Chair of Governors, c/o The Sweyne Park School, and marked as 'Confidential'. The Chair of Governors will reply, wherever possible, within ten working days.

Stage 4: Formal Complaint Appeal Panel. A formal complaint to an Appeal Panel is the last in-school stage for complaints, or if the complaint concerns the Chair of Governors. In this instance, a letter should be written to the Clerk to the Governing Body, c/o The Sweyne Park School, and marked 'Confidential'.

Stages 2 and 3 – Formal consideration of your complaint – Detailed explanation

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.

1. Normally, your written complaint should be addressed to the headteacher. If, however, your complaint concerns the headteacher personally, it should be sent to the school marked "For the attention of the Chair of Governors".
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three working days.
3. We will enclose a copy of these procedures with the acknowledgement.

4. Normally we would expect to respond in full within ten working days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The headteacher, or chair of governors may also be accompanied by a suitable person if they wish.
7. Following the meeting, the headteacher or chair of governors 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.
8. 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 she 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.
9. 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.
10. The headteacher or chair of governors will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the headteacher's/chair of governors' decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point.

Closure of complaints

- Very occasionally, a school will feel that it needs, regretfully, to close an complaint where the complainant is still dissatisfied.

- We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- If a complainant persists in making representations to the school – to the headteacher, chair of governors or anyone else - this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
- For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint.
- In exceptional circumstances, closure may occur before a complaint has reached Stage 4 of the procedures described in this document. This is because a complaints panel takes considerable time and effort to set up and we must be confident that it is likely to assist the process of investigating the complaint.

The Chair of Governors may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward.

13. If we do not close the complaint after Stages 2/3, you may wish to proceed to Stage 4, as described below.

Stage 4 - Consideration by a complaints review panel – Detailed explanation

- If your concern has already been through Stages 1, 2 3 and and you are not happy with the outcome, we may agree to set up a complaints review panel to consider it. This is a formal process, and your ultimate recourse at school level. The Chair of Governors has discretion to agree to this form of meeting where he or she feels it would be helpful in resolving the complaint.

The purpose of this arrangement is to give your complaint a hearing 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. One member of the panel will be independent to the school.

- The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.

The complaints review panel operates according to the following formal procedures:

1. The clerk to the governing body will aim to arrange for the panel meeting to take place within **20 working days**.
2. The clerk will ask you whether you wish to provide any **further written documentation** in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
3. The headteacher will be asked to prepare a **written report** for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
4. The clerk will inform you, 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 you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.
5. With the letter, the clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit **further written evidence** to the panel.
6. The letter will explain what will happen at the panel meeting and the clerk will also inform you that **you are entitled to be accompanied** to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. With the agreement of the chair of the panel, the headteacher may invite **members of staff** directly involved in matters raised by you to attend the meeting,
8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to **put you at your ease**.
9. 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.
10. The chair of the panel will ensure that the meeting is properly **minuted**. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.

11. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a **copy of the minutes** it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked to maintain confidentiality in the minutes.
12. During the meeting, you can expect there to be opportunities for:
 - you to explain your complaint;
 - you to hear the school's response from the headteacher;
 - you to question the headteacher about the complaint;
 - you to be questioned by the headteacher about the complaint;
 - the panel members to be able to question you 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;
 - you and the headteacher to make a final statement.
13. 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 headteacher and yourself as soon as possible but within a maximum of two weeks. All participants other than the panel and the clerk will then leave.
14. 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.
15. The clerk will send you 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 to you.
16. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

N.B. The Appeal Panel must include one independent member and, if the Chair of Governors has already been involved, the Chair must not be a member of the panel.

Stage 5 (Beyond school)

After all the above stages have been exhausted, if a complainant is still dissatisfied, they can access the School Complaints Form on the Department for Education/Education Funding Agency website:

<https://www.gov.uk/complain-about-school>

After this, the final stage is by complaining to the Secretary of State for Education:

The School Complaints Unit
Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD

What will the Department for Education do?

If a complaint has exhausted the local procedures, the School Complaints Unit (SCU) will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

Other sources of information and advice

If your concern is about an aspect of **special needs provision**, which might include information about relevant voluntary organisations and support groups in Essex, you might like to talk to the **Parent Partnership** team on their helpline: **01245 436036**.