



Marshside Primary School

Complaints Policy

September 2015

At Marshside we take our responsibility for children seriously. We value the support and partnership of parents and carers, and work hard to get things right. However, despite everyone's best efforts, situations may arise which require further attention.

A complaint is defined as:

“an expression of dissatisfaction or disquiet in relation to a school or teacher, which requires a response.”

Pupils, parents or carers can make a complaint to the school about most aspects of its function including:

- Attitude / behaviour of staff;
- Teaching and learning;
- Application of behaviour management systems;
- Bullying;
- Provision of extra-curricular activities.

Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about e.g.:

- Behaviour of pupils during break-times;
- Disturbance to neighbours during school hours;
- Health and Safety issues of premises;
- Behaviour of staff.

These complaints will not however fall within the jurisdiction of the Local Government Ombudsman. Therefore only the Head Teacher and the Governing Body will consider them. Legal, safeguarding or disciplinary proceedings take precedence over complaints procedures and timescales.

Complaints Procedure

STAGE ONE The vast majority of concerns can be resolved informally. There are many occasions where the class teacher, office staff, or the Head Teacher, can resolve concerns straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage. Complainants must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. This allows staff to establish whether a person is asking a question, expressing an opinion or making a complaint.

The member of staff first contacted should clarify the nature of the concern and re-assure the complainant that the school wants to hear about it. If the member of staff can resolve the concern immediately they should do so. They should then record the enquiry and any agreements made, and notify the Head Teacher. In some schools, the Head Teacher may wish to delegate responsibility for co-ordinating complaints to another member of staff.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Head Teacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial

If the member of staff can't resolve the concern, they should make a clear note of the date, name, contact address and phone number and a brief note of the nature of the concern. It would also be useful to record what sort of outcome the complainant is looking for. The member of staff should then refer the complaint to the Head Teacher, or designated Deputy. The Head Teacher must decide if the concern is covered by the complaints procedure or should be dealt with under other procedures e.g. safeguarding or personnel.

If the concern involves an allegation of assault or abuse of a child by a member of staff, the Head Teacher must inform the Local Authority Designated Officer (LADO).

If the concern is about the Head Teacher, the member of staff should provide the complainant with details of how to contact the Chair of the Governing Body.

The staff member dealing with the concern should make sure that the complainant is kept informed of any action taken. The emphasis at this stage should be on resolving the issue quickly and informally for the benefit of staff, pupils and parents.

The complainant should receive a response as soon as possible, and within a maximum of 10 school days. At this stage the response may be given verbally or in writing.

Where the first approach is made to a governor, they should refer the complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at an early stage in case they are needed to sit on a panel at a later stage.

Complaints Procedure

STAGE TWO Parents and Pupils should be advised of their right to make complaints. Complaints should be made to the Head Teacher. If the complaint is about the Head Teacher the Chair of Governors should deal with the matter using this procedure. If the complainant is made verbally a written record of the complaint should be made and checked with the complainant. The Head may delegate the task of collating information to another staff member but not the decision on the action to be taken.

The Head Teacher should acknowledge the complaint within 3 school days. The acknowledgement should include a summary of the complaints procedure and a target date for providing a response. This should be within 10 school days. If this date cannot be met, the complainant should be contacted and given a reason for the delay and a revised target date.

The Head Teacher should contact the complainant and provide an opportunity for the complainant to discuss their concerns and find solutions. This could be by phone or in a meeting. It should be made clear that the complainant may bring a friend, family member or advocate to any meeting if they wish. Interpreting services should also be made available where necessary. The Head Teacher may find it useful to have another member of staff present to observe and record the meeting and promote staff safety. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The Head Teacher should make whatever enquiries s/he considers necessary to ascertain the facts, conclude whether actions were reasonable and decide on the response. This may include

- Interviewing staff / pupils
- Reviewing minutes of meetings
- Reviewing school records

Pupils should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents. Again, care should be taken in these circumstances not to create an intimidating atmosphere. Pupils should be told what the interview is about and that they can have someone with them.

It is important that the Head Teacher investigates complaints thoroughly and objectively. If s/he feels unable to do this (e.g. if s/he has been directly involved in the decision making process that led to the complaint) s/he should delegate responsibility for investigating the complaint to another member of the management team, the Chair of Governors or a Head Teacher from another school. It is strongly advised that the Head Teacher (or designated person) should keep a record of interviews, telephone conversations and other documentation.

Once all the relevant facts have been established, the Head Teacher should provide a written response to the complainant. This should include a full explanation of decisions taken and the reasons for them. Where appropriate, it should include details of actions the school will take to resolve the complaint.

It may be useful at this point to offer the complainant a meeting to discuss the response and seek reconciliation. The complainant should be provided with details of how to contact the Governing Body if they are not satisfied with the response.

Complaints Procedure

STAGE THREE The complainant must write to the Chair of Governors giving details of the complaint. A letter received by the school notifying that a complainant is dissatisfied with the outcome of a complaint at Stage Two must be passed to the Chair of Governors within 3 school days. Any complaint received by an individual governor must be passed to the Chair of Governors within 3 school days.

In the case of a written complaint received directly by the governing body, the Chair of governors should first ensure that

- The complaint has first been dealt with at Stage Two
- The complaint is covered by the school's complaints procedure not other procedures e.g. personnel or safeguarding

If the governors cannot hear the matter, it should be referred back to the Head Teacher and the Clerk to the governors should write to the complainant advising them of the correct procedures.

Upon receipt of a letter notifying that the complainant is not satisfied with the outcome of a Stage Two investigation the Clerk to the governors should write acknowledging that the complaint has been received. The letter should explain that the complainant has the right to submit any further documents or information relevant to the complaint. A deadline for submission of these documents should be given. This should be at least 5 days before the hearing.

The Head Teacher should also be invited to submit a written report for the committee. This may be a copy of the stage one response. The Head Teacher may also invite members of staff directly involved in matters raised by the complainant to respond personally or in writing.

The Clerk to the Governors should convene the complaints committee elected from the governing body. The committee should comprise 3 or 5 governors who have had no previous involvement with the complaint. The complaint should not be heard by the entire governing body as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The complaints committee should set a timetable for the hearing and should notify the complainant of this. The review hearing should be heard within 20 school days of receiving the letter.

The Clerk should write to inform the committee, Head Teacher, complainant and any relevant witnesses of the date and time of the hearing, giving a minimum of 5 days notice. All documents submitted should be circulated to the committee, the Head Teacher and the complainant. The complainant will be notified of their right to have a friend, family member, advocate or interpreter present if they wish. The Chair of Governors should ensure that the review panel meeting is minuted.

The Governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber stamp previous decisions. The panel should be open-minded and independent. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may sometimes only be possible to establish the facts and make recommendations that satisfy the complainant that their concern has been taken seriously.

Complaints Procedure

The hearing should be held in private. Any witnesses (other than the complainant and the Head Teacher) should only attend for the part of the hearing in which they give their evidence. Good practice would be that at no point should the Head Teacher or the parent be left with the complaints committee without the other being present

The committee should remember that the complainants may not be used to formal meetings and may feel inhibited in addressing the committee. It is recommended that the Chair of the committee keep the proceedings as informal as possible. This is particularly important if the complainant is a child. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

The Chair of the panel has a key role in ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of fact are made
- Parents and others who may not be used to speaking at such a hearing are put at ease
- The hearing is conducted in a n informal manner with each party treating the other with respect and courtesy
- The panel is open-minded and acting independently
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it

Once the panel are satisfied that they have heard all the information they need to make a decision, the Chair of the Panel should explain to the complainant and the Head Teacher that the committee will consider its decision and respond in writing within 15 school days. The complainant and the Head Teacher should then leave.

The committee should then consider the complaint and all the evidence presented. The panel can

- uphold the complaint, in whole or in part
- dismiss the complaint, in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar difficulties on the future.

A written response detailing the decisions, recommendations and the basis on which these have been made should be sent to the complainant within 15 school days. The Complainant should be notified of the right to refer their concerns to the Secretary of State for Education if they are dissatisfied with the way their complaint has been dealt with. A copy should be provided to the Head Teacher.

Ofsted can investigate complaints about the work of the school as a whole, but are not in a position to investigate any matter that relates only to one child or family.

The school should retain a copy of all correspondence and records of meetings.

Complaints Panel Checklist

- The Hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, outline their desired outcome and be followed by their witnesses
- The Head Teacher may question the complainant and the witnesses after each has spoken
- The Head Teacher is then invited to explain the school's actions, their views on the desired outcomes and be followed by the school's witnesses
- The complainant may question both the Head Teacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Head Teacher is then invited to sum up the school's actions and response to the complaint
- The Chair explains that both parties will hear from the panel within 15 school days
- Both parties leave together while the panel decide on the issues
- Panel write to the complainant with their findings and their right to contact the Secretary of State and send a copy to the Head Teacher

Dealing with Unreasonable Complaints

In a small minority of cases people pursue their complaints in a way which is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. The nature or frequency of their contacts may hinder the school's consideration of their (or other people's) complaints. These actions can occur either while their complaint is being investigated, or once the school has concluded the complaint investigation.

A complaint can be regarded as unreasonable when the person making the complaint

- Refuses to specify the grounds of a complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process
- Refuses to accept that certain issues are not within the scope of a complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds.
- Raises numerous, detailed but unimportant questions; insisting that they are answered.
- Repeatedly makes the same complaint and refuses to accept the findings of the investigation into that complaint
- Seeks an unrealistic outcome
- Has a history of making unreasonable complaints.
- Makes frequent, lengthy, complicated and stressful contact with staff regarding the complaint
- Makes covert recordings of meetings

A complaint will also be considered unreasonable if the person making the complaint does so

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information

The behaviour may include one or two isolated incidents, or an accumulation of incidents or behaviour over a longer period.

In most cases, the Head Teacher should discuss the concerns with the complainant informally before invoking the procedure. If the behaviour continues the Head Teacher should write to the complainant explaining what behaviour is unreasonable and asking them to change it.

In the case of a serious incident of aggression or violence the concerns and action should be put in writing immediately. If the complainant fails to make the required changes, the Head Teacher and / or Chair of Governors should liaise with legal services and the Head of Learning and Support Services before deciding what action to take. They may also seek advice from the Complaints Manager and Governor Training Unit.

The Governors may consider

- Warnings / contract re future conduct
- Restricting telephone calls to a particular day / time or person.
- Restrictions on methods of contact (e.g. in writing only)
- Not acknowledging future correspondence that does not present new information.
- Temporary suspension of the person's access to the complaints system

The complainant will be informed in writing of any action taken and how long the action will last. Any such restrictions should be reviewed within three months.

They must also be advised how to complain to the governing body.

The Head Teacher and Chair of Governors should agree who within the school should be informed of the decision. Consideration should be given to the needs of the individual and the health and safety of staff.

For example:

- If the decision is taken because of aggressive behaviour it might also be appropriate to ban the person from the school premises
- If the complainant adopts a scattergun approach it might be appropriate to advise the local authority

The complainant should be notified of the outcome of any review of restrictions.

Information for Parents

STAGE ONE

Many concerns can be resolved quickly with goodwill, often by making early contact with the class teacher or Head of Year. If this is not possible, or the teacher is unable to resolve your concerns, you should contact the Head Teacher.

The person who receives the complaint should attempt to work with the family to resolve the complaint informally. This may involve

- Mediation and conciliation
- Explaining policies or decisions
- Helping the pupil to express their views to another person
- Review of educational provision
- Review of support services
- Making changes to the way things are done

Most complaints will be dealt with in this way.

STAGE TWO

If you are not satisfied with the outcome of the informal enquiries, you may wish to make a formal complaint. This should be done in writing to the Head Teacher.

If the complaint is about the Head Teacher, you should write to the Chair of Governors of the school.

The school and its governors have a duty in law to act properly and investigate complaints impartially. Once investigations are complete you should receive a written response from the school. This will normally be within 10 school days.

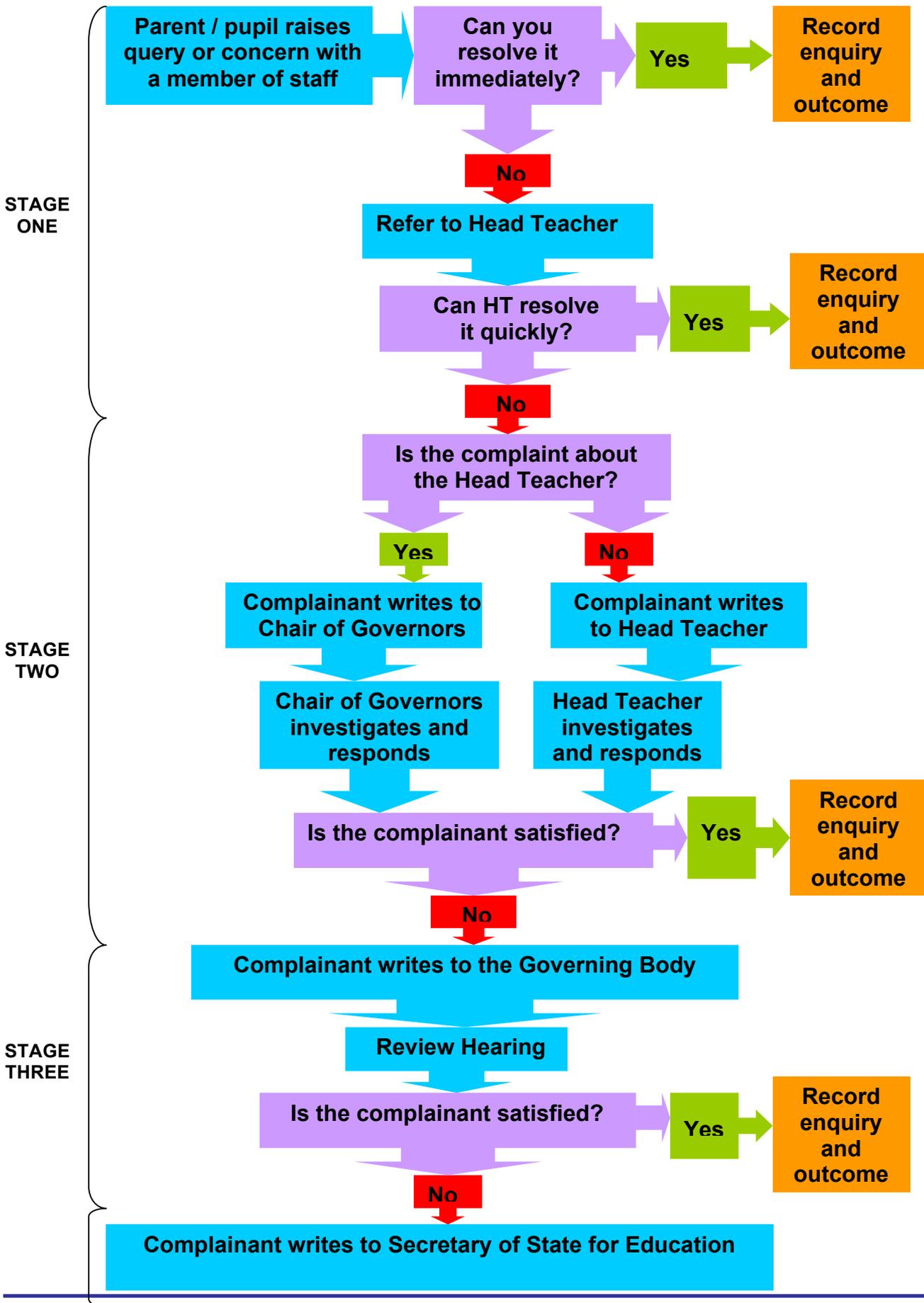
STAGE THREE

If you are not satisfied with the outcome of the investigation and wish to take the complaint further you can refer the matter to the complaints committee of Governing Body. This can be done by writing to the Clerk to the Governing Body. The aim of the panel is to establish any areas of agreement and identify actions that can be taken to resolve the complaint.

Referral to Secretary of State for Education

If all other attempts to resolve the complaint have been unsuccessful you may refer your complaint to the Secretary of State for Education.

Ofsted can investigate complaints about the work of the school as a whole, but are not in a position to investigate any matter that relate only to your child.



Matters Not Covered by Complaints Procedures

The complaints procedure does not apply to proceedings where there is an existing appeals process e.g. SEN statements, allocation of school places, exclusions.

Special Educational Needs

Where there are difficulties regarding SEN provision, parents can get support and information from the Parent Partnership. Where there is a clear disagreement, Children's Services has a duty to provide opportunities for disagreement resolution. They should demonstrate independence and credibility in working towards early and informal resolution of disagreements. Parents have a right of appeal, which can be lodged with the First-tier Tribunal (Special Educational Needs and Disability). This is not affected by entering into disagreement resolution. Disagreement resolution can run alongside the appeals process.

School Admissions

If a child is not offered a place at their preferred school after going through the admission criteria, they have the right to appeal to an Independent Appeals Panel. These Panels are set up in accordance with the requirements of the School Standards and Framework Act 1998. Appeals may be presented in person by the parent or a representative of their choice, or they can request that a written appeal be considered.

The Appeals Panel will take the family's reasons and the authority's admission arrangements into consideration when reaching its decision. The Appeals Panel's decision will be completely independent of any previous decision taken by the admissions authority and is binding upon all parties i.e. the Local Authority or governors and the parents.

Only one appeal will be considered in each academic year unless there have been significant changes in the circumstances relevant to the application.

School Exclusions

If a child is excluded from school, their parent may make a representation in writing and often also in person to the Governing Body of the school. If the exclusion is for 5 school days or less the governors do not have to meet with parents but it is good practice for them to do so.

If the total is 5 and a half school days or more, or if the child will miss a public examination (not mock exams or SATs), parents have the right to put their case at a meeting of the governors. They are able to return to school a child who is still excluded, this is called reinstatement.

For exclusions which total 15 school days or less in one term the governors will only review a child's exclusion if the parent puts a case to them. When exclusions total more than 15 school days in one term the governors must meet to review the exclusion, whether or not the parent attends.

If a child is permanently excluded, and a parent is not satisfied with the outcome, the decision can be appealed to an independent panel. This must be done in writing within 15 school days of the Governing Body's decision.

Useful Contacts

Sefton Council Children's Complaints Officer 9 th Floor, Merton House, Stanley Road, Bootle, L20 3JA	0845 140 0845 0151 934 3628 childrenscomplaints@sefton.gov.uk
Parent Partnership Caretakers House, Good Shepherd Site, Sterrix Lane, Litherland L21	0151 291 0551
Sefton Carers Centre South Road, Waterloo	0151 288 6060
Sefton Advocacy 1st Floor, Gordon House, 3-5 Leicester Street, Southport PR9 0ER	01704 500500
Citizen's Advice Bureau 24 Wright Street SOUTHPORT Merseyside PR9 0TL Goddard Hall, 297 Knowsley Road BOOTLE L20 5DF	01704 531456 0151 922 1114
Ofsted	08456 40 40 45 www.ofsted.gov.uk
Children's Commissioner	www.childrenscommissioner.org
Children's Rights Director	www.rights4me.org
Department for Education Public Communications Unit, Sanctuary Buildings Great Smith Street, London SW1P 3PT	www.education.gov.uk
Coram Children's Legal Centre	08088 020 008 www.childrenslegalcentre.com