



## Complaints Policy and Procedures

“developing successful children, achieving high standards”

Kender Values:

Kindness and **responsibility**

Empathy and **resilience**

Nurture and **reflection**

Diligence and being **ready**

Encouragement and **resourcefulness**

Respect and **reasoning**

Agreed April 2009  
Reviewed Autumn 2015  
Review Autumn 2018

## Introduction

The fundamental objective of Kender Primary School is to create and maintain a safe, happy and healthy learning environment where every pupil can achieve their full potential. Our ethos is to work in a spirit of co-operation between parents, carers, staff and governors.

It is recognised that from time to time parents or carers may have issues with the way the school discharges its responsibilities to meet its obligations, whether or not concerning members of staff, and these issues may be raised as complaints directly with the school.

## Rationale

This policy statement sets out our approach to dealing with parental concerns and complaints. Further details of how we handle complaints are set out in this document.

## Our vision and values

We always aim to maintain positive relationships with parents and carers and do our best to address any concern as it arises. However, we are aware that in some instances a parent or carer may wish to make a complaint.

## Our strategic aims and objectives

- 1 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.
- 2 We welcome feedback on what parents feel we do well or not so well as a school. We will consider all feedback carefully, whether positive or negative, and will review our policies and practices accordingly.
- 3 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.**
- 4 All school staff and governors will receive a copy of this policy and will be familiar with Kender's procedures for dealing with parental concerns and complaints, to which they will have access as required. The policy is available on the school website.
- 5 Kender's procedures will be reviewed regularly and updated as necessary.

- 6 Staff and governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis or as a group activity for all staff, or for specific groups such as the office staff or members of the governing body.
- 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 our procedures have been exhausted if this appears to be appropriate.
- 8 The government and the Local Authority advocate resolution of parental concerns and complaints at school level wherever possible in the interests of maintaining good home/school relations. The role of the LA in advising parents and schools on the handling of concerns and complaints is set out in this document.

### **Our practice**

- 1 An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- 2 To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.
- 3 Investigation of any complaint or review request will begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

### **Complaining about the actions of a member of staff other than the Headteacher**

#### **Informal Stage**

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by a letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. We make no assumptions and look to resolve the issue by asking questions to establish the facts of the case. In the case of serious concerns it may be appropriate to address them directly to the Headteacher. An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. Any dispute in relation to the "reasonableness" may be determined through the review process.

## Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Headteacher, who will be responsible for its investigation.

The complainant should include details, which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Headteacher may meet with the complainant to clarify the complaint.

The Headteacher will collect such other evidence, as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, a friend or representative may accompany that member of staff if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome within ten working school days. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential

The complainant will be told that consideration of their complaint by the Headteacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Headteacher in handling the complaint. Any such request must be made in writing within two weeks of receiving notice of the outcome from the Headteacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed.

If the complainant considers that the decision of the Headteacher is perverse, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Headteacher under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

## **Complaining about the actions of the Headteacher**

### **1 Informal Stage**

The complainant is usually expected to arrange to speak directly to the Headteacher. In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

### **2 Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body who will determine which of the agreed procedures to invoke. If it is determined that the complaint is "General", the Chair will arrange for its investigation.

The complainant should include details, which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint.

The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Headteacher to consider this, he/she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. A friend or representative may accompany the Headteacher at this meeting.

When the investigation has been concluded, the complainant and the Headteacher will be informed in writing of the outcome within ten working school days. The complainant will not be informed of any disciplinary/ capability action.

The complainant will be told that consideration of their complaint by the Chair is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair. Any such request must be made in writing within two

weeks of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

## **Review Process**

Any review of the process followed by the Headteacher or the Chair shall be conducted by a panel of three members of the Governing Body, chosen according to the Governing Body's previously agreed selection criteria. Panel members will be chosen without any previous knowledge of the complaint to ensure against bias.

The review will normally be conducted through a consideration of written submission, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence of the complaint.

The panel will then invite the Headteacher or the Chair, as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant, and the Headteacher or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a reoccurrence or to rectify the situation.

A model letter is included in annex 3.

The decision of the complaints panel represents the end of the complaints process.

If the complainant is not satisfied with the result, the final option is to appeal to the Secretary of State for Education, The Schools Complaints Unit, Department of Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester M1 2WD.

## **Notes**

The complainant is not entitled to access any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.

If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education and Skills.

## **Annex 1: Investigation Procedure**

### **Carrying out an investigation into a Formal Complaint**

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the members of staff against whom the complaint has been made.

Any procedure should include provision that "An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances." These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Where the Headteacher or Chair of Governors receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant as due course.

The member of staff against whom the complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.

It is essential that there is a clear understanding of the complaint. When necessary the nature of the complaint should be confirmed with the complainant.

Once the complaint has been confirmed the investigator should establish who they wish to interview and what documentation they will need to review.

Arrangements should be agreed so that accurate notes can be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that a friend or trade union representative when incited to be interviewed may accompany them.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence



will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewees to answer in their own way. Their responses should be listened to attentively. Any temptation to cut interviewees short or to seek to 'lead' them should be resisted. The interview should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement when the investigation has been completed.

A summary of the process undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in their post.

Any recommendations should also be shared with all parties, unless there is good reason not to. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the governing body.

The Governing Body should invite the LA to express a view on the retention of records of any complaints procedure. The most extreme stance would be that. "All documentation relating to the complaint and its investigation and outcomes should be stored securely for a period of six years.

## Annex 3: Model Letters

### Model Complaint Form

Kender Primary School Complaint Form

Please complete this form and return it to the Headteacher/ Clerk to Governing Body, who will acknowledge in receipt and inform you of the next stage in the procedure.

Your Name -----	
Relationship with school [e.g. parent of a pupil on the school's roll] -----	
Pupil's name [if relevant to your complaint] -----	
Your Address:	
Daytime telephone number -----	
Evening telephone number -----	
Please give concise details of your complaint, [including dates, names of witnesses etc..], to allow the matter to be fully investigated:	
You may continue on separate paper, or attach paperwork, if you wish Number of additional pages attached:	
What action, if any, have you already taken to try and resolve your complaint? Who have you spoken with or written to and what was the outcome?	
What actions do you feel might resolve the problem at this stage?	
Signature:	Date:
School use:	
Date Form Received:	
Received by:	
Date acknowledgement sent:	
Acknowledgement sent by:	
Complaint Referred to:	
Date:	