



# **St John's Primary School Complaints Policy**

**This policy is written for parents, carers and members of the wider community who wish to make a complaint.**

**It should be noted that any complaint must be lodged within three months of the incident occurring unless there are exceptional circumstances such as the safeguarding of children.**

## **General Principles**

The school's priority is to serve the needs of pupils and parents. We try to serve as efficiently and as courteously as possible but things can go wrong. We welcome complaints and comments as an opportunity to improve the quality of the services we offer.

The following general principles apply:

- The desirability of settling differences informally;
- The need for more formal mechanisms of dealing fairly and effectively with complaints which have proved impossible to settle informally;
- Ensuring that parents, staff and governors are informed of the procedures.

All parties dealing with complaints should seek to deal with each stage within 15 working days of receiving notification of the complaint or of the continuing dissatisfaction of the complainant.

## **Definitions**

A complaint is an expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the school but not being employed at the school, about the standard of teaching, or about the conduct, actions or omissions of members of the teaching or non-teaching staff employed at the school (whether or not relating to a child of the complainant)

A complaint is not:

- A request for a service;
- A request for information or explanation of school policy or practice;
- A matter for which there is a right of appeal within the LEA or to an independent body or legal remedy.
- A matter covered by another school policy.

### **How a complaint can be made**

Complaints may be made in person, by telephone or made in writing. A person with a complaint should normally seek to contact the member of staff responsible for the relevant issue. All staff will seek to help a complainant even where the issue is not that individual's area of responsibility.

### **Anonymous complaints**

In terms of this policy, there is no duty for the school to pursue anonymous complaints because there is no named complainant to respond to. However, the school recognises that such complaints may either directly allege or indirectly imply a serious matter which may be to the detriment of the school. It is therefore left to the Head Teacher's discretion as to whether or not an anonymous complaint justifies investigation. The Head Teacher may seek the advice of the local authority.

### **Complaints relating to SEN provision**

Like all complaints, initially an attempt will be made to resolve a complaint about SEN provision at school level, within one week of the complaint having first been made. The procedure is firstly that the key worker and class teacher attempts to resolve matters, then if required the SENCO/Inclusion Manager and /or Head Teacher becomes involved.

If the complaint is unresolved, then the person making the complaint is advised of their rights under Part 3 of the Families and Children's Act 2014.

### **Annual Review**

Annually a brief report will be presented to the Governing Body, which will detail:

- The number of complaints;
- The subjects concerned;
- The time taken to resolve complaints;
- Changes brought about as a result of reviewing complaints.

This will normally be undertaken in Summer Term for the previous year (April /March).

## **Complaints Procedure**

### **Stage 1 (informal)**

It is always useful to talk through your complaint with an appropriate member of school staff; the person to contact initially is usually your child's class teacher. Where the complaint concerns the Head Teacher, the complaint should be addressed to the Chair of Governors.

The school may request that you make an appointment to discuss this matter, as this will ensure we can listen to your concerns fully and allocate an appropriate amount of time for the conversation. Hopefully your concerns can be addressed at stage 1. However, you may progress this matter further if you remain dissatisfied with the outcome of stage 1. Governors are not involved at this point in case they are needed to sit on a panel at a later stage of the procedure.

### **Stage 2 (formal – heard by the Head Teacher)**

You are required to put your complaint in writing to the Head Teacher, except when the complaint is about the Head Teacher in which case the complaint will be handled under stage 3 below. Your complaint will be acknowledged in writing. The Head Teacher will investigate your complaint and respond to you directly. You may be requested to make an appointment to discuss the matter. If you remain dissatisfied you may escalate the complaint to stage 3.

### **Stage 3 (formal): complaint heard by Chair of Governors**

If you are not satisfied with the response of the Head Teacher or if the complaint is about the Head Teacher, the complaint will be considered by the Chair of Governors, who will acknowledge the complaint in writing and respond to you in writing. You may be requested to make an appointment to discuss the matter. If you remain dissatisfied you may escalate the complaint to stage 4.

### **Stage 4 (formal): complaint heard by Governing Body Complaints Appeal Panel**

The complainant should write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process.

Individual complaints would not be heard by the whole GB at any stage, 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 governing body has a number of members with delegated powers to hear complaints at this stage with terms of reference (see additional info).

The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

The meeting and outcome will take place and the decision sent to the complainant within 30 working days.

Correspondence to the Chair of Governors can be handed in at the school office and it will be forwarded on. Alternatively, the letters can be sent c/o Governor Services, Room 400, Children's Services, Civic Centre, Barras Bridge, Newcastle upon Tyne, NE1 8PU, or emailed to [governorservices@newcastle.gov.uk](mailto:governorservices@newcastle.gov.uk)

## **Additional information regarding the Complaints Panel:**

### **The remit of the Complaints Appeal Panel**

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal 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. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to 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.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The governors sitting on the panel need to be aware of the complaints procedure.

### **Roles and responsibilities the role of the clerk**

Any panel or group of governors considering complaints should be clerked. The clerk would be the contact point for the complainant and be required 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 (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged. It is not unknown for complainants to raise additional complaints because they do not agree with the

record of the meeting.

### **The role of the Chair of the Governing Body or the nominated governor**

The nominated governor role:

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.

### **The role of the Chair of the Panel**

The Chair of the Panel has a key role, 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 an 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.

### **Notification of the panel's decision**

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision) within a set deadline (see the procedure.) The letter will explain if there are any further rights of appeal and, if so, to address them to the local education authority.

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at: 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, 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.

**Approved by Governors - Sept 2019**

**Reviewed (annual): Sept 2022**