



**Complaints Policy
March 2008**

Lakenham Primary School Complaints Policy

Context

The 1988 Education Reform Act requires all schools to have in place a procedure to deal with complaints about the implementation of the National Curriculum and the provision of religious education and worship. This policy provides information on how we at Lakenham Primary School handle complaints related to the above and of any nature received by the school.

Aims

At Lakenham Primary School we aim to ensure that all complaints are investigated speedily, fully and fairly, and to ensure that all aspects of each individual case are given proper consideration.

We aim to ensure that complaints are fully considered and resolved to the satisfaction of the complainant and failing this that a clear decision is issued which will enable the complainant, the headteacher and the governing body to consider how, if at all, the matter should be taken further.

In general, all complaints will be dealt with under these procedures but it is not intended that the procedure will replace the normal discussions which take place in school on day to day problems and concerns that arise. Some problems can clearly be resolved without invoking these procedures. Only when the individual remains dissatisfied with the outcome of such discussions that further steps may need to be taken. In the majority of cases, which reach this point it is likely that the headteacher/ member of staff and the complainant will acknowledge that the matter remains unresolved and the first stage of the complaints procedure should be set in motion.

The scope of the complaints policy

The school complaints procedure covers all complaints at the informal stage and the formal stage with the exception of those listed below: It is for use by parents of pupils at Lakenham Primary School or those who recently attended the school. Consideration will be given to complaints made by parents of pupils who no longer attend the school and a reasonable delay between the child ceasing attendance at Lakenham Primary and the complaint will be allowed (usually no longer than 6 months).

This procedure cannot be used by staff at King's Park

- Admission to schools
- Exclusion to pupils from school
- Statutory assessments of Special Educational Needs
- School reorganisation proposals subject to statutory procedures

- Complaints against individual members of staff in relation to their behaviour or competence, which are dealt with by the staff disciplinary/competence procedures
- Matters likely to require Child Protection Investigation
- Complaints about services
- Provided by other providers, such as contractors and council departments, as these are subject to the provider's own procedures such as the council complaints procedure.

For complaints about religious education and collective worship, there is a voluntary panel of members of the Standing Advisory Council for Religious Education (SACRE) willing to respond at short notice to requests for advice and assistance from schools.

The school and the LA have a statutory duty to provide arrangements to hear complaints about the curriculum, including religious education and collective worship

Principles

Complaints however received will be dealt with fairly, in accordance with natural justice, as quickly as possible and, where appropriate recorded in writing

Complainants will be kept fully informed at every stage of the procedure including the informal stage

The school provides a summary of our procedures for dealing with complaints in our school prospectus and how to access those procedures

All staff are aware of the procedures for dealing with complaints, know how to receive complaints and when to refer to designated personnel responsible for receiving complaints.

At each stage the person responding to the complaint will:

- Formally acknowledge receipt of the complaint and make a written record of it.
- Give written confirmation, when each stage is complete, of the outcome for that particular stage and
- Inform the complainant of the next step they can take if they are not satisfied with the outcome
- Make a written record of the complaint and its outcome at each stage until the matter is finally resolved

Anonymous complaints

It will be left to the discretion of the Headteacher whether the gravity of an anonymous complaint warrants investigation

Responsible person/Complaints officer

The headteacher Mrs Oriana Dalton is the named person responsible for receiving, recording and monitoring complaints but is supported in this role by the Assistant Headteachers

Staff discipline and Child Protection issues

It may be clear from the outset, from the nature of the complaint that it needs to be dealt with under the school's staff disciplinary procedures.

If a complaint alleges that the conduct of an employee has involved acts that could be seen as corporal punishment, ill treatment of a pupil or another form of behaviour that could be construed as child abuse, then the Headteacher will follow advice as given by the Safeguarding Children's board.

If an investigation reveals that the school policies and procedures may have been breached, then the Headteacher will need to consider taking action under the school's disciplinary procedures.

If the Head decides that the school's disciplinary procedures should be invoked, the member of staff will be notified without delay and the investigation must begin anew. Any investigation already carried out under the complaints procedure will be disregarded and a new investigation started under the terms of the staff disciplinary procedure and interested parties informed accordingly. This is necessary to ensure that the rights and interests of all those involved are properly protected. The procedure for resolving the original complaint will be suspended until other procedures are completed, at which time it should be possible to resolve the complaint to the satisfaction of the complainant.

Complaints about the Headteacher

Complaints directed against an action/decision by the headteacher should be made to the Complaints Officer of the LA. They will make the necessary arrangements to be considered by the governing body of the school. In the first instance this will be by the Chair of Governors Richard Allen or his chosen representative.

Before making these arrangements the LA Complaints Officer will contact the Headteacher in question and see if it is possible to resolve the issue through further conciliation.

The chair of governors (or his representative) will need to carry out a preliminary inquiry to ascertain the nature of the complaint and gather information. The chair of governors may seek assistance from the Director of Children's Services in investigating the complaint.

Anyone involved in the preliminary enquiry cannot be part of any subsequent governors' panel formed to consider the complaint or hear disciplinary or competency procedures.

Should the initial informal enquiry into a complaint about the Headteacher identify an issue which should be dealt with under the school's disciplinary procedures, advice relating to these procedures may be found in relevant guidance from the LA.

Procedure for Handling Complaints

The Informal Stage of a Complaint

Principles

The informal stage of the complaints procedure is the initial stage when the issue being raised is first identified as a complaint. There may well be a stage before this, which does not form part of the complaints procedure but is part of good day-to-day practice at Lakenham Primary School in the way we deal with concerns and problems as they arise. It is only when these day to day discussions break down that a complaint is identified and the first part of the procedure invoked.

It may not be appropriate in all situations to advise complainants to put their concern in writing. In some cases this could over formalise the situation and possibly have the effect of pushing people into a more defensive stance from which it could be difficult to achieve a satisfactory resolution. However once it is clear that a concern has become a complaint and has the potential to travel

From the outset all parties to a complaint need to be aware that information will of necessity be shared with others involved in the complaints procedure. However it is of paramount importance that conversations and correspondence are treated with discretion and complainants should be assured that this will be the case.

Recommended Procedure

Once a complaint has been received either in writing or by telephone or made verbally by the complainant in person, the Responsible Person should record this in a complaints register/log. The Responsible Person should acknowledge the complaint in writing, enclosing a copy of the school's guidance on their Complaints Procedure.

The Responsible Person should clarify with the complainant the nature of the complaint. Both parties need to be quite sure that they have the same understanding of exactly what the complaint is about.

The Responsible Person should discuss with the Headteacher whether the complaint should be dealt with by the Complaints Procedure, or should come under Personnel or Child Protection Procedures. In these latter cases the headteacher will need to advise the complainant that the matter is being pursued as a staff discipline matter. Under these procedures, although the complainant will be advised as to whether this results in a decision to take disciplinary action, the findings and outcome of the disciplinary process itself must be confidential. After the disciplinary process has been completed, it may be clear that additional responses to the complainant are required (e.g. an apology).

If the complaint is to be dealt with by the complaints procedure, the Responsible Person should advise the complainant of who is dealing with their complaint and how that person can be contacted if necessary. Also, that they will be notified of the outcome of the preliminary enquiries into the complaint within **10 school working days**, or within 4 weeks if any part of the 10 day period falls within a school holiday. Written records should be made at this early stage detailing the complaint, the complainant and the person dealing with the complaint.

An opportunity should be provided for the complainant to meet the member of staff

investigating their complaint to supplement any information provided previously. It should be made quite clear to the complainant that, if they wish, a friend or relative may accompany them in the meeting. It is advised that in these circumstances that sensible consideration should be given to health and safety issues.

Although this is the informal stage of the procedure, the Responsible Person may decide that an investigation is needed. In this case an investigating officer should be appointed; this may be the Responsible Person, the headteacher or another senior member of staff.

The investigating officer needs to bear in mind at all times in his/her investigations that, should matters indicate it, the Personnel or Child Protection procedures may need to be initiated. Should this occur the complaints procedure should cease and investigations begun again under the appropriate procedures.

The investigating officer should interview the complainant and any witnesses and take statements. If the complaint involves a pupil, the investigating officer should also interview the pupil. Pupils would normally be interviewed with a parent/guardian present. In some cases, circumstances may prevent this e.g. where this would unduly delay the investigation of a serious/urgent complaint or where a pupil has specifically indicated that they would prefer that parents/guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend. When deciding to interview a pupil, the investigating officers should consider the possibility of any police investigations and avoid any action likely to prejudice these.

Records of all meetings, telephone conversations, etc., should be kept and all documentation relating to the complaints kept secure.

A letter advising the complainant of the outcome of their complaint at the informal stage should be sent within the time scales indicated. The complainant should be advised of their right to take their complaint further and that, should they wish to do so, they must notify the Responsible Person within 1 month of receiving the letter advising them of the outcome of their complaint at the informal stage.

The Formal Stage of a Complaint

Principles

If, having been through the informal stage of the procedure the complainant is not satisfied with the outcome, there must be an opportunity to progress to a formal stage of the procedure. This will consist of a hearing of the complaint by a panel of the governing body. The school should provide an information booklet giving precise details of how this can be done. The complainant should be advised in the information booklet that the panel will further investigate their original complaint.

Formal complaints will generally be about the outcome/decision of the complaint at the informal stage and not necessarily against the headteacher for the 'management' of that complaint; although in some cases it may be that the complaint has not been properly investigated.

In the unlikely event of the panel finding, in the course of their investigations that the school had in fact mismanaged the handling of the complaint they may wish to consider whether, as well as the original complaint standing, a further complaint against the headteacher should stand also. Should this be the case the guidelines in **section 8** of the guidance should be followed.

Recommended Procedure

The complainant should be asked to confirm that their original written complaint still stands or asked to set out a new statement of their complaint, in writing to the Responsible Person or the chair of governors. The Responsible Person, or chair, should acknowledge receipt of the complaint.

With the agreement of the complainant and the staff involved, further conciliation between the two parties. This final attempt at resolving the issue informally must fall within the time scale of **10 school days**. If within this time the matter has not been resolved the complaint *must progress to the formal stage* without delay.

If the Responsible Person, or the chair or his/her representative, is successful in reconciling the two parties the outcome will be confirmed in writing to the complainant within **ten school days** of any conciliation agreement being reached.

When a complaint progresses on to the full formal stage of the procedure the Responsible Person or chair of governors will notify the complainant in writing that their complaint is moving to the next stage of the procedure which will be a hearing by a panel of the governors.

A meeting of the governors' panel will be arranged by the Responsible Person or the Clerk to the Governing Body. This should be within **4 school weeks** of the Responsible Person or Chair of Governors informing the complainant that their complaint has progressed to the full formal stage. (There may be some occasions when it will be very difficult to meet this 4-week deadline due to school holidays, governors' prior commitments etc. In such cases a meeting of the governors' panel should be arranged as **soon as possible** after receipt of the formal complaint and the complainant notified of the reason for any delay.)

The Responsible Person or Clerk to the Governing Body will call together copies of all documentation relating to the complaint at the informal stage and request a report from the investigating officer/headteacher.

Copies of this information will be supplied, in advance, to the governors on the panel to hear the complaint. The chair of the panel, in consultation with the other governors of the panel, should consider whether witnesses in addition to the complainant and the investigating officer/headteacher need to be called or further investigations need to be undertaken. Only the chair can call witnesses and these cannot be members of school staff.

The clerk to the governing body or other suitable person should attend the panel to record the proceedings and the panel's decision.

Once the formal hearing has concluded and the panel has reached a decision the complainant will be told of the decision, in writing, by the chair of the panel within **ten school days** of the meeting taking place. This letter should also contain a copy of the school's complaints information booklet drawing attention to the section on how to appeal against the decision of the governors' panel should they not be satisfied with the outcome.

A copy of the letter detailing the panel's decision should be sent to the headteacher, the Responsible Person and the chair of governors and such others as the panel think appropriate.

All the information regarding the complaint at both the informal and formal stage of the procedure must be kept secure.

An Appeal beyond the School

An appeal against the decision of the governors' panel can be made to the LA or the relevant Diocesan Board of Education. Details of how to progress to *this* stage are contained within the Children's Service Complaints Information Booklet.

Beyond the School and LEA Procedures

When a complainant has exhausted the school's procedure, including the stage of an appeal beyond the school, and is still dissatisfied s/he may have just cause to take their complaint, as appropriate, to the Ombudsman or to the Secretary of State for Education.

Ombudsman - usually to complain about mal-administration of *the complaints procedure*.

The Secretary of State – if the complainant feels that the main essence of their complaint has not been dealt with appropriately and they are still not satisfied with the outcome.

The Complaints Process

		Timescale
Step 1 Informal	Complaints about school life should be in the first instance directed to the class teacher or Headteacher. Most problems and concerns are dealt with at this stage and the LEA does not need to be involved. The Headteacher will decide whether the complaint should be dealt with by the complaints procedures, personnel or child protection.	Within 10 days
Step 2 Informal	If the school cannot resolve the complaint, the complainant can ask the Chair of Governors to be involved and the Chair then attempts to reconcile the two parties. The Chair must acknowledge receipt of the complaint. The outcome must be confirmed in writing If the complainant is still not satisfied, they have 1 month to write to the Chair of governors and ask for a review by a panel of governors.	Within the 10 school days. 10 school days One month
Step 3 Formal	If the complaint progresses to this stage the Chair of Governors will notify the complainant that the complaint is moving to the next stage and that a panel of governors will hear it. The Chair of Governor will arrange the panel The panel will meet within 4 weeks from the date of complainant being informed that it has progressed to the formal stage. The clerk to the governing body or another suitable person should attend the panel and record the panel's decision. The Chair of the panel will let the complainant know the decision of the panel 10 school days with an explanation of the outcome. If the complaint comes direct to the LA Complaints Officer, it will be acknowledged and indicated in writing to whom it has been referred to – usually the Headteacher or Chair of Governors of the school.	4 school weeks 10 school days 2 working days.
Step 4	An appeal against the decision of the panel of governors can be made to the Director of Children's Services in writing. The Director will refer it to a Senior Manager for consideration. The manager to be involved will be the one responsible for that area of education. The Director will acknowledge receipt in writing indicating the steps that will be taken and the length of time which it can be expected to be addressed. When the appeal has been fully investigated and considered the Director will notify the complainant of the outcome, the conclusion and reasons for it and any actions proposed or taken. Copies to be sent to the governing body, Business Unit Manager and the Complaints Officer. The notification will also include details of further recourse to the Secretary of State. This notification brings the complaint to the LA to a conclusion.	
Step 5	A complainant who is still dissatisfied after these arrangements have been exhausted will be able to complain to the Secretary of State.	

