

Summerville Primary – an Academy School
achieving through care, challenge and creativity
Complaints Policy
Statutory Policy



Complaints Policy

Date of Approval: July 2017
This policy will be reviewed by the full board of governors every 2 years
Date for Review: July 2019
Signature <i>C. Hirstidge</i> Date
Head Teacher
Signature Date
Chair of Governors

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1. Principles

Summercroft Primary School (the School) is committed to working in close partnership with all members of the school community. The School places great value on the role which parents and carers can play in supporting children's learning. Staff and Governors actively encourage a positive relationship between the School and the families of children who attend the School.

The School tries to resolve problems informally wherever possible. An effective response and appropriate redress will be provided to all complaints as quickly as possible dependent upon the complexity of the issues raised.

This policy relates to complaints about the educational administration of the School and typically applies to complaints made by parents and carers of pupils. It does not relate to matters which are governed by employment legislation or those where the principles of civil contract law would normally apply e.g. service/supply contracts entered into with the School.

2. Legal obligations

- Complainants must be aware that there is a complaints procedure and copies of this policy will be available on request.
- If the process results in an appeal to the Board of Governors (see below), the procedure is in the Appendix.

3. Dealing with complaints

(a) At each stage, the person investigating the complaint will ensure that they:

- Clarify the nature of the complaint and unresolved issues.
- Clarify what the complainant feels would put things right.
- Interview those involved in the matter and/or complained of, allowing them to be accompanied if they wish.
- Keep appropriate notes of any interview(s) held.

(b) At each stage, the person investigating the complaint will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:

- An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of liability).
- An apology.
- An explanation.
- An assurance and an explanation of the steps that have been taken to try to ensure that it will not happen again.
- An undertaking to review the School's procedures in the light of the complaint.

4. Records

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All complaints will be recorded by the School, including informal complaints. The Headteacher is responsible for ensuring that a written record is kept of all complaints and their outcome and action taken as a result of them.

- Records, correspondence and statements relating to individual complaints are confidential, except as otherwise required by law, or where the Secretary of State or a statutory body conducting an inspection requests access to them.

5. Complaints procedure

(a) Informal complaints – verbal informal complaints may be made to teachers at the end of the school day or to the Headteacher. A verbal or written response may be given to an informal complaint. If the complainant is not satisfied with the response they can make a formal complaint.

(b) Formal complaints – The complainant will write to the Headteacher with details of:

- The complaint
- Any attempts they made to raise/resolve the complaint (who they spoke to and when)
- Actions they feel might resolve the problem.
- Any staff they would prefer not to discuss the issue with.

(c) The Headteacher will acknowledge receipt of the complaint within 5 school days and investigate the complaint within 10 school days. This time scale may be reasonably extended if the nature of the complaint is judged by the Headteacher to be of a complex nature. The complainant will receive a formal response in writing from the Headteacher (see paragraph 9 for complaints about the Headteacher).

(d) If the complainant is still not satisfied, they can appeal to the Board of Governors (see below). A complaint panel will be convened within 28 days of receipt of notification of the complainant's wish to appeal.

(e) The School reserves the right to refuse investigation of any complaints which are considered to be vexatious, and those relating to a previous complaint that has already been investigated.

6. Appeals to the Board of Governors

(a) Constitution of the panel

The Clerk to the Governors will convene a complaints panel who will appoint one of their number as Chair of the Panel:

- The panel will consist of at least three people with no prior involvement with the issue.
- At least one of the members of the panel must be independent of the management and running of the School and not a member of the Board of Governors.
- No member of the panel can have been directly involved in previous consideration of the complaint.
- Individual complaints must not be heard by the whole Board of Governors at any stage.

(b) Remit of the panel

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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 to the Board of Governors changes to the School's systems or procedures to try to ensure that problems of a similar nature do not recur.

(c) Proceedings of the panel

The procedure for the complaint panel is outlined in the attached Appendix. The appeal will be closed to the public.

(d) Role of the Clerk to the Governors

The Clerk to the Governors will be the contact point for the complaint and will be required to:

- Set the date, time and venue of the hearing.
- Collate any written material and send it to the parties in advance of the hearing.
- Record the proceedings.
- Notify parties of the panel's decision within 5 school days of the hearing date.

The decision of the appeal panel is final subject to any subsequent referral to the EFA (see note at end of this policy document)

7. Dealing with persistent complaints

In the case of vexatious, persistent or already investigated complaints, the Clerk to the Governors will inform the complainant in writing that the procedure has been exhausted, that the matter is now closed and the appeal will not be heard.

8. Responsible person

The person in charge of co-ordinating the complaints procedure at the School is the Headteacher. The role of Governors arises only in respect of appeals where the complainant remains dissatisfied with attempts to resolve the issue of complaint.

9. Complaints made about the Headteacher of the School

The Board of Governors recognise that in exceptional circumstances parents/carers may wish to complain about the Headteacher.

- If the complainant wishes to raise a complaint about the Headteacher, they should raise this directly with the Headteacher in the first instance through the complaints procedure set out in paragraph 5 above.
- Where issues have been raised in this way and remain unsolved, the complainant may appeal to the Board of Governors and paragraphs 5 (d) and 6 above and the Appendix shall apply to it.

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Note regarding the Education Funding Agency (EFA):

In limited circumstances it is possible for complaints to be referred to the EFA. The EFA can consider complaints where it is alleged that:

a) The School has not complied with its own complaints policy or any legal obligation or there is undue delay.

OR

b) The School has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State. Details of how to complain can be found on the Department for Education's website.

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**Appendix
Procedure**

The Chair of the Complaints Panel, having sought the views of the complainant and the Headteacher, will decide which of these following procedures is most beneficial to the nature of the complaint.

1) A formal meeting

All parties will attend the meeting in the same room. Whilst it will be for the Chair of the Panel to decide exactly how the meeting will proceed, the procedure at the meeting will allow:

- a) The complainant to explain their complaint.
- b) The Headteacher to explain the School's response.
- c) The panel to have an opportunity to question both the complainant and the Headteacher.
- d) The complainant and the Headteacher to call witnesses (subject to the approval of the Chair of the Panel), and the panel to question all the witnesses.
- e) The complainant, the Headteacher and witnesses to be accompanied at the meeting if they so wish (other than by a legal representative).

At the end of the meeting, the Chair of the Panel will explain to the complainant and the Headteacher that the panel will consider its decision based on the information and evidence presented to them.

2) An investigatory approach

The complainant, the Headteacher and any witnesses will be invited to attend a formal meeting with the complaints panel in order to clarify the matter. As the panel meeting is intended to be investigatory, the persons giving evidence or making representations to the panel would normally attend separately. Whilst it will be for the Chair of the Panel to decide exactly how the meeting will proceed, the procedure will allow:

- a) The complainant, the Headteacher and witnesses to be accompanied if they so wish (other than by a legal representative).
- b) Notes of the interview to be made and checked with the interviewee.

The Chair of the Panel will explain to the complainant and the Headteacher that the panel will consider its decision based on the information and evidence presented to them.

Whichever procedure is followed, the panel will remember that some complainants are unused to dealing with groups of people in formal situations and may feel inhibited. Parents/Carers may also feel emotional about discussing an issue that affects their child. The Chair of the Panel will ensure that the proceedings are as informal as the situation allows.