



Be The Change

'BE THE CHANGE YOU WISH TO SEE IN THE WORLD'

Dearham Primary School COMPLAINTS POLICY AND PROCEDURE

Ratified by:	Chair of Governors	Chair of Academy Trust
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Committee Responsible:	Full Governing Body
Author:	S J Kidd
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Version	Date	Comments	Author
02	January 2017	Significant rewrite	S J Kidd
03	September 2018	Reissued	
04			

1. Policy Aim

The aim of this policy is to ensure that a concern or complaint by an individual (including a prospective parent/carer) is managed sympathetically, efficiently and at the appropriate level, and resolved in a timely manner. We aim to be fair to those concerned and to promote parents' and students' confidence in our ability to protect and promote students' welfare. We will try to resolve every concern or complaint in a positive way with the interests of the student above all other issues, aiming to put right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in the light of circumstances.

2. Policy Statement

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our school's culture and reputation. We intend that parents and students should never feel, or be made to feel, that a complaint will be taken amiss or will adversely affect a student or his/her opportunities at school.

We will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the number that develop into complaints.

3. Use of the Policy

This policy will be used for all complaints from parents/carers or other parties through implementing the procedures set out in the following pages. We will ensure all complaints are managed in compliance with guidance set out by the Department for Education, The Education Funding Agency (EFA), and the Education (Independent School Standards) Regulations 2014. The school will also comply with the Equality Act 2010 in addressing complaints.

1. APPLICATION:

This procedure applies to all concerns and complaints received by Dearham School other than those relating to issues concerning:

- Child protection
- Exclusion of a student
- Freedom of Information
- Student admissions

which have their own applicable policies.

2. TIMESCALES:

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a 'school day' is defined as a week day during term time, when the school is open. The definition of 'school day' excludes weekends and Bank Holidays. For the avoidance of doubt, term dates are published on the school's website and Firefly, and information about term dates is made available to parents and students periodically. Where you are expected to comply with a time period that is dependent upon you having been notified of an outcome or decision, the time period starts to run from the date you receive notification and not the date of the decision.

3. CONTACT DETAILS:

To ensure that a concern or complaint is managed efficiently by the most appropriate person, guidance is given in this procedure on the relevant post holder with whom to make initial contact. Contact details for the school are given at the end of this document.

4. STAGE 1 - CONCERNS AND DIFFICULTIES:

4.1 Concerns

We expect that most concerns, where an individual seeks intervention, reconsideration or some other action to be taken, should be able to be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care.

4.2 Notification

Initially, any concerns or complaints need to be raised with the appropriate person, as indicated below:

- **Education issues** – if the matter relates to the classroom, the curriculum or Special Educational Needs, please speak to or contact the class teacher, SENCo, or Deputy or Headteacher as appropriate.
- **Pastoral care** – for concerns relating to matters outside the classroom, please speak to class teacher
- **Disciplinary matters** – a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it, then, if not resolved, with the Headteacher
- **Financial and administrative matters** – a query relating to fees or extras or to other administrative matters should be raised with the school's Business Manager.

4.3. Record of concerns

In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the concern and/or file correspondence between the person raising the concern and the respondent.

4.4. Unresolved concerns

A concern that has not been resolved by informal means within ten school days from the receipt of the concern can be notified as a formal complaint in accordance with Stage 2.

5. STAGE 2 - FORMAL COMPLAINTS:

5.1 Notification

An unresolved concern under Stage 1, or a complaint that needs investigation, or a more serious dissatisfaction with some aspect of school policies, procedures, management or administration should be set out in writing and should include the full details, and be sent with all relevant documents and full contact details, for the attention of the Headteacher, Deputy Headteacher or the Business Manager, as appropriate. Should a formal written complaint be received by another member of the school's staff, s/he will immediately pass it to the Headteacher, Deputy Headteacher or the Business Manager.

5.2 Acknowledgement

Your complaint will be acknowledged by telephone or in writing normally within five school days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution. Should you make a complaint less than five school days before a school holiday of longer than five school days, school will, so far as is reasonably practicable, acknowledge the complaint and give an indication as to when the complaint will be investigated in accordance with the procedures set out below.

5.3 Investigation and resolution

The 'Lead Person' (the Headteacher, Deputy Headteacher or Business Manager as appropriate) may deal with the matter personally or may ask another senior member of staff to act as 'investigator' and/or may involve one or more Governors. The investigator may request additional information from you and will probably wish to speak to and/or meet with you personally and to others who have knowledge of the circumstances. The investigator can review written papers, interviews with the person against whom the complaint is made, and may speak to any witnesses. Interviews with students will only be undertaken by senior members of staff and not by Governors. Permission will normally need to be obtained from the students' parents for such interviews to take place.

Following appropriate investigation, the Lead Person will then notify you in writing of their decision and the reasons for it.

5.4 Outcome

You will be informed of the outcome of the investigation by written response and the conclusion of the complaint within one calendar month from the receipt of the complaint. Any complaint received during a school holiday or within one month of the end of term or half term is likely to take longer to resolve owing to the unavailability of personnel during school holidays, but the Lead Person will keep you informed of the likely timescales.

If there is a delay in concluding the investigation, a letter will be sent to you explaining the reason for the delay and providing a revised date.

The Headteacher (or Chair of Governors if the complaint is about the Headteacher) will send you a written response at the end of the investigation. The written response will explain briefly:

- a. what the investigation entailed (but not details of what was said or written by witnesses);
- b. whether the complaint has been upheld and, if it isn't, the main reasons for not upholding;
- c. any action the school proposes to take to resolve the complaint where it is upheld (but not including any subsequent, specific actions against any individual);
- d. any policy or procedure recommendations to be made to the Governing Body in the light of the investigation (whether the complaint is upheld or not);
- e. that there is a right to refer the matter to the Chair of Governors (or a review panel hearing if the complaint has been investigated by the Chair of Governors);

- f. that a request for review to the Chair of Governors must be made in writing within five school days;
- g. that if a request for review to the Chair of Governors is not exercised the matter is closed.

6. STAGE 3 - REFERRAL FOR REVIEW TO THE CHAIR OF GOVERNORS: (for contact details see Appendix 1)

6.1 Notification

If you are dissatisfied with the decision of the Lead Person under Stage 2, you may write to the Chair of Governors within five school days of receiving the decision. Your correspondence to the Chair should give full details of your complaint, details of why you disagree with the findings made under the Stage 2 procedure, an indication of the resolution you are seeking, enclose all relevant documents and provide your full contact details. Your letter will be acknowledged within five school days during term time (unless specific adversities prevent this, in which case we will let you know the reasons for this) and you will be informed of the action that is being taken in response, and the likely timescale. Should you make the request for review of your complaint less than five school days before a school holiday of longer than five school days, the Chair of Governors will, so far as is reasonably practicable, acknowledge the complaint and give an indication as to when the complaint will be investigated in accordance with the procedures set out below.

6.2 Action by the Chair of Governors

The Chair of Governors will arrange for your complaint to be reviewed following procedures equivalent to those described in Stage 2. When the Chair is satisfied that s/he (or the investigator) has established all the material facts and relevant policies, so far as practicable, s/he will notify you in writing of the decision and the reasons for it. S/he will aim to provide a response within fifteen school days of receiving your letter, but will inform you if this timescale needs to be increased. If you are not satisfied with the Chair's decision you may ask for the complaint to be referred to the Review Panel, by writing to the Clerk to Governors.

7. STAGE 4 - REFERRAL TO THE REVIEW PANEL:

7.1 Notification

If you have been through the earlier stages of this procedure, and are still dissatisfied with the decision that has been reached, you may request a final hearing by a Review Panel. To request a hearing by the Review Panel, please write to the Clerk to Governors, marked 'confidential' within five school days of receiving the decision. Please ensure that copies of all relevant documents accompany your letter to the Clerk to Governors, and state all the grounds for your complaint, why you consider the Stage 1, 2 and 3 decisions to be wrong and the outcome that you are seeking. The Clerk to Governors will acknowledge your request in writing within five school days during term time and as soon as practicable during the holidays. This will:

- a. notify you of the date, time and place of the hearing (normally within ten school days of receiving a request – the Panel will not sit during school holidays);
- b. explain the format of the hearing and brief details of the Review Panel members attending;
- c. inform you of your right to submit any documents relevant to the complaint (but not material that would constitute an additional complaint) no later than five school days prior to the hearing.

7.2 Review Panel

The review will be undertaken by a panel of at least three members appointed on behalf of the Governing Body and selected by the Clerk to Governors. The Panel members will have no detailed previous knowledge of the case; two members will be school Governors, not employees of the school, and one member will be independent of the governance of the school.

7.3 Convening the Panel

The Clerk to Governors will convene the Review Panel as soon as is reasonably practicable but the Panel will not normally sit during school holidays.

7.4 Notice of hearing

Every effort will be made to enable the Panel hearing to take place within ten school days of the receipt of your request. As soon as reasonably practical and in any event at least five school days before the hearing, the Clerk to Governors will send you written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present.

7.5 Attendance

You will be asked to attend the hearing and may be accompanied by one other person such as a relative or friend. Your child may attend part or all of the hearing at the discretion of the Chair of the Review Panel. The Business Manager or nominated deputy will also attend the hearing in order to keep a record of the proceedings. Copies of additional documents you wish the Panel to consider should be sent to the Clerk to Governors at least five school days prior to the hearing.

7.6 At the hearing

The Chair of the Review Panel will conduct the hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

The Review Panel will review all the evidence presented to them. Their remit is to consider whether:

- a. the previous handling of the complaint was sound;
- b. the previous decision reached was justifiable;
- c. to uphold or overturn the previous decision.

7.7 Adjournment

The Chair may at his/her discretion adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

7.8 Decision:

After due consideration the Review Panel will reach a decision which will be confirmed in writing to you, the Headteacher (or Chair of Governors), the investigator of the complaint and any member of staff or volunteer who is the subject of the complaint within ten school days of the hearing. The written response will summarise:

- a. what evidence the Review Panel considered;
- b. whether the previous decision regarding the complaint has been upheld and, if not, the reasons for not upholding;
- c. the subsequent action that will be taken if the previous decision is not upheld;
- d. any policy or procedure recommendations to be made to the Governing Body in the light of the hearing (whether the complaint is upheld or not);
- e. that this concludes the school-based complaints procedure.

8. RECORDS AND CONFIDENTIALITY:

A written record will be kept of all complaints, and at which stage of this procedure they are resolved. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of the school inspection or under other legal authority. The school will comply with the Data Protection Act 1998 and records will be kept in accordance with the school's Data Retention Policy.

9. EXTERNAL REVIEW:

If you do not consider your complaint has been dealt with in accordance with the Complaints Policy set out in the stages referred to above, you can refer your concern to the Education Funding Agency (EFA). The EFA's role is to check whether the complaint has been dealt with properly by the school. Parents and students also have the right to contact an Ofsted inspector if they have a complaint concerning a student's welfare. Contact details for these organisations are given in Appendix 1.

10. PERSISTENT COMPLAINTS:

10.1 We will do our best to be helpful to people who contact us with a complaint or concern or a request for information. However, in cases where the same complaint is made repeatedly after stages 1-4 above we will need to be in a position to take proportionate action when responding.

10.2 If a complainant seeks to re-open a complaint that has already been considered in accordance with the Complaints Policy, the Chair of Governors will inform them that the procedure has been completed and that the matter is now closed and a warning will be given that continuing to raise the same complaint will lead to the complaint being considered persistent.

10.3 If the complainant then contacts the school on the same issue, the correspondence may be viewed as 'persistent' and the Chair of Governors will inform the complainant that school will not respond. However, the school must ensure that a complaint is not classified as 'persistent' before the complainant has fully completed the complaints procedure.

10.4 If the school reasonably believes that the complainant is continuing to contact the school with the intention of causing disruption or inconvenience, or if the complainant is abusive or threatening, the school has the right not respond to the complainant and will rely on Appendix 3 and the Behaviour Policy.

10.5 The decision to stop responding will only be taken if the school has followed the Complaints Policy and the complainant continues to makes the same complaint after the Complaints Policy has been followed.

10.6 Once the school has decided it is appropriate to stop responding to the complaint that has been considered in accordance with the Complaints Policy, the school will inform the complainant of this decision in writing.

10.7 If a complaint has been identified as a persistent complaint and the complainant has been notified of this, this does not preclude the same complainant from raising a different complaint that will be dealt with in accordance with the Complaints Policy.

Contact Details

1. Dearham School

Telephone: 01900 812518

Email: admin@dearham.cumbria.sch.uk

2. Chair of Governors (updated on 1 Sept 2018)

Name: Mrs J Kearton

Address: c/o Dearham School, The Went, Dearham, Maryport

Email: JoanKearton@dearham.cumbria.sch.uki

3. Clerk to Governors

Address: School as above

Email: clerk@dearham.cumbria.sch.uk

4. Education Funding Agency (EFA)

For complaints regarding:

- A problem with the school's complaints procedure
- The school not following the terms of its funding agreement

Further information is available at:

- <https://www.gov.uk/complain-about-school>
- <https://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure>

5. Ofsted

For complaints regarding the quality of education or the leadership of the school:

Contact details: enquiries@ofsted.gov.uk

Telephone: 0300 1234 234, Monday to Friday - 8am to 8pm

Further information is available at: <https://www.gov.uk/complain-about-school>

COMPLAINTS POLICY AND PROCEDURE

Policy for Unreasonable Behaviour by a Complainant

We are committed to dealing with all complaints fairly and in accordance with our Complaints Policy. However, we will not tolerate abusive, offensive or threatening behaviour and will take action should this occur. The action the school can take is set out under paragraph 7 of the Behaviour Policy and can include a ban from school premises.

If the behaviour of a complainant is considered to be unreasonable, the Headteacher will write to specify a method of communication by way of a communication plan. This will be reviewed after one month.