

# GISBURN ROAD C.P. SCHOOL BARNOLDSWICK

## COMPLAINTS PROCEDURE



DATE AGREED: JANUARY 2019

REVIEW DATE: JANUARY 2021

# **Gisburn Road Community Primary School**

## **Our Policy and Procedures for the Handling of Concerns and Complaints at the School**

### **1. Introduction and important information**

**These pages tell you what to do if you have a concern or complaint about something that has happened at the School. Please read the information carefully and let us know if there is anything in it that you don't understand or if you would like any additional information.**

#### **We care about what you think**

The Department for Education defines a "concern" as:

**"...an expression of worry or doubt over an issue considered to be important for which reassurances are sought."**

And a "complaint" as:

**"...an expression of dissatisfaction...about actions taken or lack of action."**

We work hard to provide the best possible education and support for all our pupils and one way we can achieve that is to build good partnerships with parents, carers and the wider community.

We like to know when things are going well but it is also important that parents, carers and others can tell us about their concerns or complaints.

We make sure that we can do this effectively by having a clear, fair and efficient procedure that we can follow if concerns or complaints arise so that any issues can be dealt with as quickly and effectively as possible.

**Please remember that it is much easier for the school to sort out a recent problem than something that happened some time ago. So, let us know as soon as you can if a concern or complaint arises.**

#### **Our commitment to you**

- We will always deal with your concern or complaint in a professional manner;
- It will be investigated thoroughly, fairly and as quickly as possible;
- We will keep you up-to-date with what we are doing;

- We will apologise if the School has made a mistake;
- We will tell you what we are going to do to put things right;
- If you are still unhappy, we will tell you what you can do next.

### **What to do first**

If you have a concern about anything we do you can tell us:

- by telephone;
- in person; or,
- in writing.

If you cannot contact us in one of these ways, a friend or advocate can speak to the School on your behalf. Most concerns or complaints can be sorted out quickly either by us putting things right or by explaining our actions.

If you can, try to speak to the member of staff involved or your child's class teacher who will either deal with the matter or pass you on to someone who is more able to help.

Please remember that the beginning and end of the School day can be a very busy time. If you talk to a teacher at these times, for practical reasons, it may not be possible to sort things out there and then. Be prepared for them to make an appointment to speak to you at a more convenient time.

In considering concerns or complaints, the School will ensure that they are dealt with effectively and with fairness to everyone concerned.

Where possible, concerns and complaints should be resolved informally. However, when a complaint cannot be resolved informally, there is a written procedure that we must follow. This is set out in Section 6 of this document.

**If your concern or complaint is thought to be sufficiently complex or serious, the School may choose to investigate formally straight away or pass the matter on to the Police or other agency.**

## **2. What do we mean by a concern or a complaint?**

### **A concern or complaint arises if:**

- You are not satisfied with the operation of the school (how the school is run);
- You are not satisfied with the conduct, actions or lack of actions of any member of school staff, the Governing Body or an individual Governor;
- You are not satisfied with the treatment of a pupil or any other person;
- You are not satisfied with an unreasonable delay in dealing with any matter.

**Some causes of concern or complaint are not covered by this policy. The following have their own policies and procedures which the School will follow or pass on to the appropriate person or organisation**

Child Protection  
Functions of the County Council  
National Curriculum  
Reports under Freedom of Information or Data Protection laws  
School Admissions  
School Re-organisation Proposals  
Sex Education  
Special Educational Needs and Disabilities (SEND)  
Staff Grievances  
Unauthorised Absence Fines

Serious complaints or allegations relating to the abuse of children, assault, criminal or financial misconduct will also be subject to separate procedures.

There may also be other policies and procedures that are not included in this list.

### 3. Anonymous Complaints

The School will always give serious consideration to concerns and complaints that are brought to its attention. However, anonymous complaints will **not** normally be considered.

### 4. Unreasonable Complaints

You have the right to be concerned or make a complaint against the School. And you have a right to expect that the School will follow all its policies and procedures to deal with that complaint.

Nearly all comments and complaints received by schools are genuine and reasonable, and most can be dealt with amicably.

However, in a small number of cases, a complaint may be seen to be unreasonable or malicious, or “unreasonably persistent” in nature.

The Local Government and Social Care Ombudsman describes unreasonable or unreasonably persistent complaints as those that:

**“...because of the nature or frequency of their contacts...hinder the...consideration of their, or other people’s, complaints.”**

This can be a difficult and sensitive matter for all concerned, so we have set out our full guidelines about unreasonable complaints in a separate document (“Our Policy and Procedure for Handling Unacceptable Complaints”) which you can find on the School website (under “Policies”) or ask for a copy at the School office.

### 5. Making a complaint

Ideally, most complaints should be made within three months of the incident occurring. We will only consider complaints made after three months in exceptional circumstances.

The following table shows who you should speak to depending on the nature of your complaint:

Type of complaint:	Contact
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Something that has happened, or failed to happen, in School.	Class teacher
The actions of the class teacher.	Headteacher via the school.
The actions of the Headteacher.	Chair of Governors via the school.
The actions of a governor.	Chair of Governors via the school.
The actions of the Chair of Governors.	Vice Chair of Governors via the School.
The actions of the Governing Body	Clerk to the Governing Body via the School.

The School or Governing Body would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and a review stage if matters cannot be resolved.

The School is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 20 school days. From time to time, it may not be possible to complete the process in that timescale. Where it is not possible, the complainant will be informed of any delays.

Where complaints are made against an individual member of the School staff Governor, the individual will be informed of the complaint at the earliest opportunity and certainly before any investigation commences.

## **6. The Complaint Procedures**

Section 29 of the Education Act 2002 says that all local authority maintained schools must have, and make available, a procedure to deal with complaints. In order to meet this requirement and to make sure that we cover all the issues that could occur, our procedure must be quite long and detailed. However, we also have a Complaints Flowchart available that provides a simple step by step guide to what should happen. You can find it on the School website or ask for a copy at the School office.

### **(i) Informal Stage**

- The School will seek to resolve complaints informally by email, telephone call or brief meeting as appropriate.
- If the complaint is unable to be resolved at this stage, the School will ask you to put your concerns or complaint in writing and the 'Formal Stage' - Paragraph 6(ii) of the procedures will commence from the date that the letter is received by the school.
- If the School has not heard from you by 20 school days, it will assume that you do not want to take things any further and the complaint will be closed.
- For concerns regarding the Headteacher, the complainant should put the complaint in a sealed envelope marked 'private and confidential' and addressed to the Chair of Governors via the School.
- Under the Data Protection Regulations, the school is not permitted to provide the personal details of the Chair of Governors but will forward the envelope to the Chair as soon as possible.

### **(ii) Formal Stage**

This stage will commence when the:

- Informal complaint has not been resolved to the satisfaction of the complainant,  
**or**
- The complainant has indicated they wish to go straight to the formal stage.  
**or**
- The School feels that the complaint is inappropriate for an informal resolution.

**The Headteacher will:**

- Following receipt of the **written complaint**, formally acknowledge receipt of the complaint and ensure the complainant receives an up to date copy of the School's Complaint Policy and Procedures.
- Seek appropriate advice (depending on the nature of the complaint, this could be from the School's Adviser; Clerk to the Governing Body; Legal Services; Schools' HR Team; Finance Officer or Pupil Access Officer.)
- Inform the member of staff (or governor) if the complaint concerns them and provide them with a copy of the complaint and the school's Policy and Procedures.
- Arrange and complete a full investigation of the complaint.
- Prepare a report following the investigation; consider what actions need to be taken and whether it be substantiated or unsubstantiated.
- Advise the complainant, in writing, of the outcome of the investigation.

**Should the complaint remain unresolved, after either the Headteacher or Chair of Governors has undertaken the investigation:**

- the complainant can request a review to the Complaints Review Committee. The request **must** be received within 20 school days of the notification and set out the grounds as to which matters remain unresolved.

**(Note:** If the Clerk to the Review Committee does not hear from the complainant within 20 school days of the notification of the outcome of the investigation, the complaint will be closed)

- The Headteacher or Chair of Governors should make a record in the Complaints Register\* of the complaint and its outcome. This record may need to be updated by the Chair of the Review Committee in due course. The Complaints Register should be available for Ofsted Inspection purposes.

**(iii) Complaints Review Committee**

In very exceptional circumstances where the complaint has not been resolved by the Headteacher or Chair of Governors, a meeting of the Complaints Review Committee will be arranged to review the complaint. The request **must** be made in writing to the Clerk of the Review Committee via the School. The request for the review **must** clearly set out the grounds as to which matters remain unresolved.

The Clerk to the Review Committee will convene the Complaints Review Committee. It is not expected to take more than 20 days to convene but the Clerk to the Committee will update the complainant as appropriate.

**The Committee will:**

- Consider the written materials;
- Consider the complaint and the Headteacher's (or Chair of Governor's) action.
- With the assistance of the Clerk, prepare an Agenda and invite the Headteacher and/or Chair of Governors, (as appropriate) and the complainant to the meeting.  
**Note:** It is the responsibility of the Headteacher/Chair of Governors and complainant to secure their own witnesses and neither party can dictate who the other party brings.
- Seek advice and support as necessary.

**At the end of their review, the Complaints Review Committee will:**

- Determine whether to dismiss or uphold the appeal in whole or part.
- Where upheld, decide on recommendations that should be reported to the Governing Body by the Chair of the Review Committee.
- Advise the Headteacher/Chair of Governors (as appropriate) and complainant of their findings.
- Advise the complainant of any further action they may wish to take if they remain dissatisfied.

Following the review, the Chair of the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the findings of the Complaints Review Committee. In addition, the Chair of the Committee will ensure that the matter in general terms and any recommendations be reported to the Governing Body.

## **7. Withdrawal of a Complaint**

If the complainant wishes to withdraw their complaint at any time, they will be asked to confirm this in writing.

## **8. The Role of the Local Authority**

The role of the Local Authority (LA) is prescribed by legislation. In responding to complaints about schools, the LA will explain to the complainant:

- That schools are self-managing and are responsible for administering procedures that deal with complaints made against them.
- The appropriate procedures for their complaint and refer them to the Headteacher, Chair of Governors or Clerk, as appropriate.
- The school may seek advice and support from the appropriate Local Authority Officer or the School's Adviser.

## **9. Social Media**

Whilst the school accepts that complainants have a right to an opinion and make it public through social media, complainants are reminded that they are not entitled to use social media to defame or harass individual staff or governors.

## **10. Calculation of time**

All references in this Policy to 'days' should be taken to mean school days and therefore will not include weekends, school holidays or INSET days.

## **11. Next stage**

Complainants who remain unsatisfied with the outcome may refer their complaint to the Secretary of State for Education.

National Helpline: **0370 000 2288**

On line: **[www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)**

Or by writing to: The Department for Education, School Complaint Unit, 2<sup>nd</sup> Floor, Piccadilly Gate, Stove Street, Manchester, M1 2WD

The role of the Secretary of State is to review that the School has followed their published procedures. The Secretary of State (via the Department of Education) does not facilitate a rehearing of a complaint



# Complaints Flowchart

(Note: this is a brief overview and reference should be made to the Policy and Procedures)



