



# COMPLAINTS POLICY

REGENT FARM FIRST SCHOOL



## Regent Farm First School Complaints Policy

This guidance is based on the principle that, where at all possible, complaints will be dealt with informally between the school staff and the complainant.

Where this has been tried and been unsuccessful, the more formal procedures will give the complainant a route to ensuring the issue is appropriately considered. Since September 2003, governing bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides. In October 2009, the Human Rights Act came into force, and schools should be mindful to consider Article 6, 'The Right to a Fair Trial'.

Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

It is a legal requirement for the complaints procedure to be publicised.

The governing body has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

### **Introduction**

Our school strives to provide the best possible education for all children. The Head Teacher and staff work very hard to build positive relationships with all parents, stakeholders and members of the community. We aim to resolve issues before they become significant problems. However, should a parent have a complaint the school has procedures in place to deal effectively with it. The following policy sets out the procedure that the school follows in such cases.

### **Aims and objectives**

- 1) To be fair, open and honest when dealing with any complaint.
- 2) To give careful consideration to all complaints and deal with them as quickly as possible
- 3) To resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues.
- 4) To provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

### **The complaints process**

1) In the first instance any concerns about your child should usually be discussed with your child's class teacher. This should be done privately at a mutually convenient time. All teachers want children to be happy and to make good progress and they deal quickly with an identified problem and take action. It is expected that all members of staff dealing with parental concerns act in a courteous and respectful manner. The school also expects that the person expressing a concern acts in the same way.



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2) If you feel that the matter has not been resolved through contact with the class teacher, or that your concern is of a sufficiently serious nature you should make an appointment to discuss the matter with Mrs Moore, the Head Teacher. Any concerns expressed in this way are taken seriously and investigated thoroughly.

3) If a concern fails to be resolved at this stage a formal complaint can be made to the Governing Body. This must be made in writing, stating the nature of the complaint and how the school has handled it so far. This should be sent to the Chair of Governors, Mr Tim McHanwell.

The Governing Body must consider all written complaints within three weeks. If it is necessary for governors to meet with the person making the complaint so that it can be explained in more detail at least three days notice will be given.

After hearing all the evidence, the governors consider their decision and inform the parent about it in writing.

4) If the complaint is not resolved, a parent may make representation to the Local Authority. Further information on this can be obtained from the school or from the Local Authority. A further meeting is chaired by an independent person, who considers all the evidence and makes a further judgement in an attempt to resolve the complaint.

5) If any parent is still not content that the complaint has been dealt with properly, then he/she is entitled to appeal to the Secretary of State for Education.

### **Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy.

### **Confidentiality**

Complaints should be treated in confidence and information only given on a need to know basis. It is **not** advisable for details of a complaint to be discussed at full governing body meetings as this may prejudice any involvement of governors at a later stage. However, governing bodies may be required to consider recommendations that come out of a complaint process.

Additionally, complainants should also refrain from jeopardising a fair and impartial process by breaching confidentiality or by making public comments, which could be detrimental to the professional reputation of a member of staff.

### **Social Media**

In order for complaints to be resolved as quickly and fairly as possible, we request that complainants do not discuss complaints publically via social media such as facebook and twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

### **Complaints that result in staff capability or disciplinary**

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action would remain confidential to the Head



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Teacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

### **Monitoring and review**

The governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process.

### **Complaints about the Head Teacher or the governors**

Where a complaint regards the Head Teacher, the complainant should first directly approach the Head Teacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Chair of Governors (details on page 9). The Stage 2 process will then commence, and the Chair of Governors will be the individual responsible for the investigation rather than the Head Teacher.

Where a complaint concerns the Chair of Governors, the individual should contact the clerk to the governors (details on page 8). Informal resolution will be sought, but where this fails, the complaints procedure at Stage 2 will take immediate effect. The vice chair or an independent investigator will mediate any proceedings.

### **Unreasonable complaints**

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If the complainant tries to reopen the same issue, the Chair of the governing body or their designate, is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

While parents/carers/guardians of children should have the opportunity to raise issues about emerging problems, all members of the school community have a right to expect that their school is a safe place in which to work and learn. Therefore, violence, threatening or aggressive behaviour, repeated harassment or racially aggravated behaviour, or abuse against school staff or other members of the school community will not be tolerated.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The Head Teacher will use their discretion to choose not to investigate these complaints.



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Where they decide to take this course of action, they must inform the chair of governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate.

If the chair deems it appropriate to, they can redirect the Head Teacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the chair upholds the Head Teacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education.

### Timeline

<b>Raising concerns</b>	<b>Informal and immediate addressing of issues by relevant staff member</b>	<b>5 school days</b>
<b>Stage 1</b>	<b>Informal investigation by member of staff or Head Teacher</b> <i>Where dissatisfied with outcomes, progress to Stage 2</i>	<b>15 school days</b>
<b>Stage 2</b>	<b>Formal investigation by Head Teacher or Chair of Governors</b> <i>Where dissatisfied with the outcome progress to Stage 3</i>	<b>25 school days</b>
<b>Stage 3</b>	<b>Formal appeal to panel of governors</b> <i>This is the final stage of the school's complaints procedure. Where dissatisfied with outcomes, contact the Department for Education</i>	<b>25 school days</b>

We will endeavour to abide by timeframes stated for each stage however where further investigations are necessary or other delays are experienced, new time limits can be set and the complainant made aware of the new deadline and given an explanation for the delay.

The suggested time limits in this procedure refer to school days, i.e. excluding school holidays and weekends.

We reserve the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Head Teacher will review the situation and decide whether or not to enact the complaints procedure, informing the chair of governors of the decision.

### Stages of Complaints

#### Stage 1- Informal investigation by staff member



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Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the relevant member of staff or Head Teacher.
2. The complainant must explain in writing
  - An overview of the complaint so far
  - who has been involved
  - why the complaint remains unresolved
  - action they would like to be taken to put things right.
3. The staff member will respond within 5 school days of having received the written complaint. They will explain what action they intend to take.
4. Where the complaint is about a member of staff or a governor, the staff member will arrange an informal mediation meeting between the two parties to see if a resolution can be come to.
5. The staff member will provide a written confirmation of the outcome of their investigation within 10 school days of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process, and launch a formal written complaint.
6. The staff member will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998.

### **Stage 2 – Formal investigation by Head Teacher or Chair of Governors**

1. The complainant may submit a formal complaints form (Appendix 1) to the Head Teacher (or if the complaint is about the Head Teacher, then the Chair of Governors) or a letter giving details of their complaint. Contact details for the Head Teacher and Chair of Governors can be found near the end of this document.
2. A written response will be sent within 10 school days of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The Head Teacher or Chair of Governors will consider all relevant evidence; this may include but is not limited to:
  - a statement from the complainant,
  - where relevant a statement from an individual who is the subject of the complaint
  - any previous correspondence regarding the complaint



- any supporting documents in either case
  - interview with anyone related to the complaint.
5. The Head Teacher or Chair of Governors may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
6. After considering the available evidence, the Head Teacher or Chair of Governors can:
- Uphold the complaint and direct that certain action be taken to resolve it
  - Reject the complaint and provide the complainant with details of the stage three appeals process
  - Uphold the complaint in part: in other words, the Head Teacher may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
7. The Head Teacher or Chair of Governors must inform the complainant of their decision in writing within 15 school days of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage three if they are not satisfied, providing them with the contact details of the clerk to the governors (see page 8).

### **Stage 3 – Appeal – Review by a Panel of the Governing Body**

If the complainant wishes to appeal a decision at stage 2 of the procedure, or they are not satisfied with the action that the Head Teacher or Chair of Governors has taken in relation to the complaint, the complainant is able to appeal this decision.

They must write to the clerk to the Governing Body (see address on page 8) as soon as possible after receiving notice of the Head Teacher or Chair of Governor's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The clerk (or nominated person) will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within 10 school days of receiving the Head Teacher or Chair of Governor's decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:



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1. The clerk will write to the complainant within five school days to confirm receipt of the appeal request and detail further action to be taken.
2. The clerk will convene a panel of at least three school governors. All panel members will have no prior knowledge of the content of the complaint.
3. The appeal hearing will take place within 25 school days of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
  - the complainant
  - the Head Teacher who dealt with the complaint at Stage 2
  - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a governor/trustee, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the governing board who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
7. The panel can make the following decisions:
  - 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.
8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 school days (excluding those which fall in the school holidays).

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this.





## Contact Details

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.

- If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.
- Ofsted will also consider complaints about schools.

<p>Head Teacher Regent Farm First School Wansbeck Road South, Newcastle Upon Tyne NE3 3PE</p> <p>Mark Private and Confidential</p>	<p>Samantha Triggs Governor Services Clerk Children &amp; Education &amp; Skills Directorate Newcastle City Council 3rd Floor Civic Centre Newcastle upon Tyne NE1 8QH Email: <a href="mailto:samantha.triggs@newcastle.gov.uk">samantha.triggs@newcastle.gov.uk</a> Telephone: 0191 211 5311</p>
<p>Chair of Governors c/o Regent Farm First School Wansbeck Road South, Newcastle Upon Tyne NE3 3PE</p> <p>Mark Private and Confidential</p>	<p>Department for Education (DfE) School Complaints Unit 2<sup>nd</sup> Floor Piccadilly Gate Store Street Manchester M1 2WD</p>



## Appendix 1: Regent Farm First School Formal Complaints Form

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint ( <i>please continue on a separate sheet if necessary</i> )	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	



The reason that this was not a satisfactory resolution for you
What action would you like to be taken to resolve the problem?

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

<i>Official use</i>	
Date received:	Signed: