



COMPLAINTS POLICY

OVERVIEW

It is the responsibility of individual schools to respond to complaints about the school and this document establishes a procedure for dealing with complaints relating to the school, as required by the Education Act 2002.

Should anyone contact the local authority regarding a school complaint, they will be provided with information on the procedure and be encouraged to contact the school directly. The Complaints Officer (Chair of Governors/ HR or Personnel) will also endeavour to inform the Head Teacher of any enquiries to enable them to make an early intervention and address any concerns.

Schools take their responsibility for children seriously. They value the support and partnership of parents and carers. They try very hard to get things right. However, despite everyone's best efforts, situations may arise which require further attention.

A complaint is defined as:

"An expression of dissatisfaction or disquiet in relation to a school or teacher, which requires a response."

Pupils, parents and carers can make a complaint about all matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters [relating to the curriculum, exclusion, admissions etc...] which are subject to separate procedures.

The Local Authority retains responsibility for

- The National Curriculum
- Collective Worship in schools (In the case of denominational schools, concerns relating to worship and spiritual matters may be referred to the relevant Diocese or Archdiocese.)
- Provision of support services e.g. SEND, education welfare, educational psychology

Complaints about these matters should be referred to Children's Services' corporate complaints procedure.

Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about e.g.

- Behaviour of pupils during break-times
- Disturbance to neighbours during school hours
- Health and Safety issues of premises
- Behaviour of staff

These complaints will not however fall within the jurisdiction of the Local Authority. Therefore, only the Headteacher and the governing body will consider them.

Schools are not responsible for the actions or behaviour of pupils outside school hours.

Legal, child protection, safeguarding or disciplinary proceedings take precedence over complaints procedures and timescales.

General Principles:

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter **raised more than 3 months after the event being complained of will not be considered**, except in exceptional circumstances.
- Investigation of any complaint or review request will begin within 5 school days of receipt of the same, except in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

Stage One

The vast majority of concerns can be resolved informally. There are many occasions where concerns are resolved straight away by the class teacher, office staff, Assistant Head or the Head Teacher, depending on whom the complainant first approaches. It is in everyone's best interests that complaints are resolved at the earliest possible stage.

Note: The headteacher may delegate the investigation to another member of the school's leadership team but no the decision taken.

Complainants must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. This allows staff to establish whether a person is asking a question, expressing an opinion or making a complaint.

The member of staff first contacted should clarify the nature of the concern and re-assure the complainant that the school wants to hear about it. If the member of staff can resolve the concern immediately they should do so. They should then record the enquiry and any agreements made, and notify the Head Teacher.

It will assist the procedure if the school respects the wish of a complainant who indicates they would have difficulty discussing their concerns with a particular member of staff. Similarly, if a member of staff feels too compromised to deal with a complaint, they should be able to pass the concern to another member of staff.

If the member of staff can't resolve the concern, they should make a clear note of the date, name, contact address and phone number and a brief note of the nature of the concern. It would also be useful to record what sort of outcome the complainant is looking for. The member of staff should then refer the complaint to the Head Teacher, or designated Deputy. The Head Teacher must decide if the concern is covered by the complaints procedure or should be dealt with under other procedures e.g. child protection or personnel.

If the concern involves an allegation of assault or abuse of a child by a member of staff, the Head Teacher must inform the Human Resources Manager.

If the concern is about the Head Teacher, the member of staff should provide the complainant with details of how to contact the Chair of the Governing Body.

The staff member dealing with the concern should make sure that the complainant is kept informed of any action taken. The emphasis at this stage should be on resolving the issue quickly and informally for the benefit of staff, pupils and parents.

The staff member/Headteacher/Chair of Governors may consider holding a meeting with the complainant during this stage of the procedure.

The complainant should receive a response as soon as possible, and within a maximum of 15 school days. At this stage the response may be given verbally or in writing. The complainant should be given information on how to proceed if they are not satisfied and where to get independent advice.

Stage Two

If the complainant is not satisfied with the school's response at **Stage 1**, then a formal, written complaint should be submitted within 10 school days using the *Complaint Form* at the end of this policy.

Formal complaints should be made in writing to the Head Teacher. If the complaint is about the Head Teacher, they should write to the Chair of the Governing body who should carry out the Stage Two procedure. If the complainant has difficulty expressing themselves in writing, they should be informed where they can get independent assistance.

The Head Teacher/Chair of Governors should acknowledge the complaint within 3 school days. The acknowledgement should include a copy of the complaints procedure and a target date for providing a response. This should be within 15 school days. If this date cannot be met, the complainant should be contacted and given a reason for the delay and a revised target date.

If a meeting did not take place at stage 1, the Head Teacher/Chair of Governors should provide an opportunity for the complainant to meet him/her to discuss their concerns and find solutions. It should be made clear that the complainant may bring a friend, family member or advocate to the meeting if they wish. Interpreting services should also be made available where necessary. The Head Teacher/Chair of Governors may find it useful to have another member of staff/governor present to observe and record the meeting and promote staff safety. The atmosphere should not be intimidating for anyone involved.

The Head Teacher/Chair of Governors should make whatever enquiries s/he considers necessary to ascertain the facts and the legitimacy of decisions taken. This may include

- Interviewing staff / pupils
- Reviewing minutes of meetings
- Reviewing school records

Pupils should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents. Again, care should be taken in these circumstances not to create an intimidating atmosphere.

It is important that the Head Teacher/Chair of Governors investigates complaints thoroughly and objectively. (If the Headteacher feels unable to do this (e.g. if s/he has been directly involved in the decision making process that led to the complaint) s/he should delegate responsibility for investigating the complaint to another member of the SLT or the chair of governors. It is strongly advised that the Head Teacher (or designated person) /Chair of Governors should keep a record of interviews, telephone conversations and other documentation.

If the Chair of Governors is dealing with a complaint about the Headteacher, then the Headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Head Teacher to consider this, he/she will be invited to meet separately with the Chair in order to present written and oral evidence in response. The Head Teacher may be accompanied at this meeting by a friend or representative.

Once all the relevant facts have been established, the Head Teacher/Chair of Governors should provide a written response to the complainant. This should include a full explanation of decisions taken and the reasons for them. Where appropriate, it should include details of actions the school will take to resolve the complaint. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld

- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed]

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Headteacher/Chair of Governors in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Headteacher, and include a statement specifying any perceived failures to follow the procedure.

Stage Three

A letter received by the school notifying that a complainant is dissatisfied with the outcome of a complaint at **Stage 2** should be passed to the Chair of Governors within 3 school days.

Upon receipt of a letter notifying that the complainant is not satisfied with the outcome of a Stage Two investigation, the governors should write acknowledging that the complaint has been received.

Any review of the process followed by the Headteacher or the Chair should be conducted by a panel of 3 members of the Governing body. These governors should have had no previous involvement with the complaint. The complaint should not be heard by the entire governing body as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. If there is an insufficient number of governors to form the panel, the Chair may consider contacting the Local Authority or Archdiocese for advice or help in forming a panel to handle the complaint on behalf of the school.

The complaints panel should set a timetable for the investigation and should notify the complainant of this. The review should take place within 20 school days of receiving the letter.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered.

The panel will first receive written evidence from the complainant.

The panel will then invite the Headteacher or the Chair, as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant, and the Headteacher or the Chair, as appropriate, will be informed in writing within 15 school days of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation

The panel should be open-minded and independent. The aim of the review should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may sometimes only be possible to establish the facts and make recommendations that satisfy the complainant that their concern has been taken seriously.

The school should retain a copy of all correspondence and records of meetings.

Note: The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential

Withdrawing a Complaint

Complaints may be withdrawn in writing at any time.

The Head Teacher and Chair of Governors should review the issue of concern and consider whether further investigation is required through other internal management systems.

Dealing with Unreasonable Complaints

A good complaints procedure can limit the number of complaints that become protracted. However, there may be occasions when despite all stages of the procedure being followed, the complainant remains dissatisfied.

A complaint can be regarded as unreasonable when the person making the complaint

- Repeatedly makes the same complaint and refuses to accept the findings of the investigation into that complaint
- Seeks an unrealistic outcome
- Has a history of making unreasonable complaints
- Makes frequent, lengthy, complicated and stressful contact with staff regarding the complaint.

A complaint will also be considered unreasonable if the person making the complaint does so

- Maliciously
- Aggressively
- Using threats, intimidation, violence or harassment
- Using abusive, offensive or discriminatory language
- Knowing it to be false

In these circumstances, the Head Teacher and / or Chair of Governors should liaise with legal services and the Assistant Director for Schools to before deciding what action to take. They may also seek advice from the Complaints Manager and / or Governor Training Unit.

The presumption should be in favour of not restricting access unless it is absolutely necessary. The Governors may consider

- Warnings / contract re future conduct
- Restricting telephone calls to a particular day / time or person.
- Restrictions on methods of contact (e.g. in writing only)
- Not acknowledging future correspondence that does not present new information.
- Temporary suspension of the person's access to the complaints system

The complainant will be informed in writing of any action taken and how long the action will last. They must be advised how to contact the Secretary of State/ School Complaints Unit (see guidance referred to in paragraph below).

This policy will be reviewed every 2 years.



COMPLAINTS POLICY: Information for Parents

Stage One

Many concerns can be resolved quickly with goodwill, often by making early contact with the class teacher or Office. If this is not possible, or the teacher is unable to resolve the concern, the parent, carer or pupil should contact the Assistant Head Teacher or Head Teacher.

The person who receives the complaint should attempt to work with the family to resolve the complaint informally. This may involve

- Mediation and conciliation
- Explaining policies or decisions
- Helping the pupil to express their views to another person
- Review of educational provision
- Review of support services

Stage Two

If the pupil, parent or carer are not satisfied with the outcome of the informal investigation, they may wish to make a formal complaint. This should be done in writing to the Head Teacher using the *Complaint Form* at the end of this policy.

If the complaint is about the Head Teacher, or if the problem is not resolved, the matter should be referred to the Chair of Governors of the school.

The school and its governors have a duty in law to act properly and investigate complaints impartially. Once investigations are complete the person making the complaint should receive a written response from the school.

Stage Three

Pupils, parents and carers who are not satisfied with the outcome of the investigation and wish to pursue a complaint regarding a school issue can refer the complaint to a review committee of Governors, known as the complaints panel.

This can be done by writing to the Clerk to the Governing Body. The aim of the panel is to establish any areas of agreement and identify actions that can be taken to resolve the complaint.

Quick Guide to Complaints for Teachers and School Staff

If a parent, carer or pupil wants to make a complaint

- Listen to what they have to say.
- Find out what they want to happen about it
- Make a written record of it
- Inform the Head Teacher

Can you sort it out yourself?

STAGE ONE

If a pupil / parent contacts the school with a concern, someone should respond to them within 24 hours. If the person they wish to speak to is unavailable, someone else should contact them to let them know and offer an alternative. In most cases, a member of staff or class teacher will be able to address problems or concerns by talking through issues and looking for solutions. If you think you can resolve the concerns quickly, speak to the pupil / parent and tell them what you are going to do and how long it should take. Work with the pupil / parent to find a solution to the problem. If you can't sort it immediately, make a record of the person's concerns. Inform the Head Teacher or Assistant Head as soon as possible so that they can deal with it.

Tell the complainant who you are passing their concern on to and when they can expect a reply. The Head Teacher or their designated Deputy will clarify the correct procedure for responding to the concern. If it is covered by the complaints procedure the Head Teacher or Deputy will contact the complainant and attempt to resolve the problem informally.

What happens if you can't resolve it?

STAGE TWO

Formal complaints should be made in writing to the Head Teacher. If the complaint is about the Head Teacher the complaint should be made in writing to the Chair of Governors. If the complainant needs help to do this they should be given information on where to access independent advice. The person investigating the complaint may speak to staff or pupils and check school records. They should then provide a written response to the complaint.

STAGE THREE

If the Head Teacher / Chair of Governors is unable to resolve the matter at Stage Two the complaint can be referred to the Governing Body. A review hearing will be convened where a committee of governors will look at the complaint. The aim of this hearing is to try to resolve the concern.

Services Not Covered by Complaints Procedures

The complaints procedure does not apply to proceedings where there is an existing appeals process e.g. SEN statements, allocation of school places, exclusions.

Special Educational Needs

Where there are difficulties regarding SEN provision, parents can get support and information from the Parent Partnership. Where there is a clear disagreement, Children's Services has a duty to provide opportunities for disagreement resolution. They should demonstrate independence and credibility in working towards early and informal resolution of disagreements. Parents have a right of appeal, which can be lodged with the First-tier Tribunal (Special Educational Needs and Disability). This is not affected by entering into disagreement resolution. Disagreement resolution can run alongside the appeals process.

School Admissions

If a child is not offered a place at their preferred school after going through the admission criteria, they have the right to appeal to an Independent Appeals Panel. These Panels are set up in accordance with the requirements of the School Standards and Framework Act 1998. Appeals may be presented in person by the parent or a representative of their choice, or they can request that a written appeal be considered.

The Appeals Panel will take the family's reasons and the authority's admission arrangements into consideration when reaching its decision. The Appeals Panel's decision will be completely independent of any previous decision taken by the admissions authority and is binding upon all parties i.e. the Local Authority or governors and the parents.

Only one appeal will be considered in each academic year unless there have been significant changes in the circumstances relevant to the application.

School Exclusions

If a child is excluded from school, their parent may make a representation in writing and often also in person to the Governing Body of the school. If the exclusion is for 5 school days or less the governors do not have to meet with parents but it is good practice for them to do so.

If the total is 5 and a half school days or more, or if the child will miss a public examination (not mock exams or SATs) parents have the right to put their case at a meeting of the governors. They are able to return to school a child who is still excluded, this is called reinstatement.

For exclusions which total 15 school days or less in one term the governors will only review a child's exclusion if the parent puts a case to them. When exclusions total more than 15 school days in one term, the governors must meet to review the exclusion whether or not the parent attends.

If a child is permanently excluded, and a parent is not satisfied with the outcome, the decision can be appealed to an independent panel. This must be done in writing within 15 school days of the Governing Body's decision.

Links to Other Procedures

Concurrent Considerations

The following procedures may be defined as concurrent considerations. If there is a risk that dealing with a complaint might prejudice a concurrent consideration, the complaints procedure will be suspended until the concurrent consideration is concluded. The Complaints Officer must write to the complainant explaining the reason for the decision and the nature of the concurrent consideration. Once the concurrent consideration is concluded, the complaint can be resubmitted.

Legal Proceedings

Where the complaint becomes subject to legal proceedings, or where the local authority is engaged in legal proceedings against the person making the complaint, the Complaints Officer must liaise with the Legal Services to agree what action can be taken on the complaint.

Safeguarding Children

Although the local authority has lead responsibility for child protection matters, complaints regarding the conduct or practice of partner agencies during Child Protection procedures should be referred to

that organisation's own procedures. Complaints regarding the conduct or practice of Children's Services employees are covered by these procedures.

Parents, carers or children wishing to make a complaint regarding

- The process of the child protection case conference
- The outcome / decision of the case conference

should do so to the conference chair. The conference chair has a responsibility to inform the Complaints Officer of any complaints made.

If the Chair cannot resolve the concerns, the local authority should then convene an inter-agency panel comprising senior members of member agencies of the LSCB. This panel cannot overturn the decision of a conference but should review the process and decisions of the conference. If the complaint is upheld, they should make a recommendation to a re-convened case conference under a new chair.

Allegations

If the details of the complaint allege that a criminal offence has been committed, the Complaints Officer must liaise with a senior manager regarding any duty to report this to the police.

Procedures are in place to deal with allegations of abuse against centrally employed or school-based members of staff. The lead officer in relation to such allegations is the Local Authority Designated Officer (LADO).

Links to Other Procedures

Personnel Procedures

In the case of other complaints from service users where disciplinary proceedings may apply these procedures take precedence. The Complaints Officer will contact the Human Resources manager to discuss what action is to be taken. The person making the complaint should have their complaint acknowledged and be informed that they will be notified when investigations are complete. In order to preserve the confidentiality of the member of staff, the details of this process should not be disclosed to the person making the complaint.

Whistleblowing

Sefton Council's Whistleblowing policy stands alongside the Complaints procedure. Any member of staff who wishes to raise a concern about the practice of the Authority or any of its officers may contact their line manager, their departmental Director or the Legal and Administrative Services Director.

Roles and Responsibilities

The Complainant

The complainant is the person who makes the complaint.

The complainant will receive more effective responses to the complaint if s/he:

- co-operates with the local authority in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks the Complaints Manager for assistance as needed; and
- treats all those involved in the complaint with respect.

Role of the Children's Complaints Officer

The Children's Complaints Officer is the Designated Complaints Manager for Sefton Children's Services. The primary function is to co-ordinate all aspects of complaints by users of Sefton Children's services, including children's social care, education, early years and youth services.

The Complaints Officer will be available as an initial point of contact for people wishing to make a comment, compliment or complaint. The service will provide information, advice and support to service users regarding the complaints procedures, and support staff to respond to and resolve issues. This may include providing mediation or conciliation if the Service Manager or Head Teacher and the Complaints Officer agree that this would be appropriate and beneficial.

The Complaints Officer has responsibility for promoting the accessibility of the complaints service to all Sefton children and young people and their families, regardless of age, disability or ethnicity. This includes providing access to advocacy services for children and young people.

The Complaints Officer has responsibility for maintaining a detailed record of all complaints made and their outcomes and producing reports on the operation of the complaints service.

The Complaints Officer will also provide training, support and advice to staff, managers and partners to ensure an effective response to all representations and complaints.

Roles and Responsibilities

The advocate should provide independent and confidential information, advice, representation and support to the child or young person making the complaint. The role of the advocate in the complaints procedure is:

- to empower the child or young person by enabling him to express his views, wishes or feelings, or by speaking on his behalf;
- to seek the resolution of any problems or concerns identified by the child or young person by working in partnership with the child or young person and only with his agreement;
- to support the child or young person pursuing a complaint through every stage of the complaints procedure and to provide him with information about his rights and options, helping him clarify the complaint and the outcomes he is seeking; and
- to speak for or represent the child or young person at any stage of the complaints process, including at the informal stage or at any formal hearing or interviews.

• **Children's Complaints Officer** – Magdalen House, 1st Floor, Trinity Road, Bootle L20 3NJ.
Contact number: **0345 140 0845**.

childrenscomplaints@sefton.gov.uk

Complaint Form

Please complete and return to the Headteacher, Mrs K Scott, Mrs Hooper the Assistant Head or to the Chair of Governors, who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: