



**Ashby Hill Top Primary School**  
**School Complaints Policy & Procedure**  
**Next review October 2020**

### **Policy for Hearing and Dealing with Complaints**

Ashby Hill Top Primary 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.

If, at any time, a member of the Ashby Hill Top Primary School community has a concern about an aspect of life at the school, the concern will be dealt with by the school as quickly, sympathetically and effectively as possible. It is hoped that most concerns will be settled amicably at this stage.

However, if there is a continuing concern, this can be directed through the formal stages as outlined in the school's complaints procedure, detailed on the following pages.

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. Three months is considered to be a reasonable timeframe in which to raise a complaint and the school will investigate and respond to all complaints made within this timeframe. Complaints received after a longer time period may be considered by exception, where it can be shown that there were good reasons for not making the complaint earlier and where it is still possible to investigate the complaint properly.

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

### **Definitions and scope**

The DfE guidance explains the difference between a concern and a complaint.

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

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

The school intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.



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Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher/special educational needs co-ordinator (SENCO); they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

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It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To this end all staff and governors are aware of the procedure to be followed if a complaint is raised. Also, whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible. It can then be investigated more effectively whilst information is fresh in the minds of all parties.

The school operates a 4 stage complaints procedure. If the complaint concerns the conduct of the Headteacher it will be dealt with in accordance with Stage 3.

**Stage 1: Concern raised informally with staff member**

In the first instance, it is hoped that the complainant will be able to discuss the issue with the member of staff concerned.

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing the complaint with a particular member of staff. In these cases, the complainant should refer the complaint to the Headteacher, who will refer it to another member of staff.

Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the complaint will be referred to another member of staff via the Headteacher. The member of staff will consider the complaint objectively and impartially.

If the first approach is made to a governor, they will refer the issue and the complainant to the appropriate person and advise the complainant of the procedure. Governors will not act unilaterally outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the process.

**Stage 2: Complaint heard formally by the Headteacher**

The complainant may be dissatisfied with the way the complaint was handled at Stage 1, and/or wish to pursue their initial complaint. If so, the complainant should submit the complaint in writing, to the Headteacher, within 10 school days of Stage 1 being concluded. A copy of the complaint form is attached to this procedure.

The Headteacher will acknowledge receipt of the complaint within 5 school days.

The Headteacher should meet with the complainant to clarify details of their concerns, the resolution that is being sought and agree a timescale for response. The Headteacher will investigate the complaint further and make every effort to resolve the issue. On conclusion of the investigation the Headteacher will write to the complainant summarising the outcome reached and the process for appeal.



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The Headteacher may delegate the task of collating information concerning the complaint to another staff member, but not the decision, nor the action to be taken.

If the complaint is wholly or mainly about the Headteacher the complaint will be considered in accordance with Stage 3 of the procedure described below.

**Stage 3: Complaint heard formally by the chair of governors**

If the complaint cannot be resolved at Stage 2 or the complaint concerns the conduct of the Headteacher the complainant may take their complaint to the chair of governors.

The complainant will need to write to the chair of governors, care of the school, within 10 school days of the date of the letter notifying them of the outcome of Stage 2. The complainant should provide a copy of the written complaint, a copy of the Headteacher's letter concluding Stage 2 and give details in writing of why they are not satisfied with the outcome.

The chair of governors will acknowledge receipt of the complaint within 5 school days and provide a timescale for response.

The chair will investigate the complaint and make every effort to resolve the issue. They will meet with the complainant and/or the Headteacher if further information is necessary. On conclusion of the investigation the chair of governors will write to the complainant summarising the outcome reached and the process for appeal. The complaint will move on to Stage 4 if the complainant remains dissatisfied by the outcome.

**Stage 4: Complaint heard formally by the governing body Complaints Appeal Panel**

The complainant needs to write to the chair of governors within 10 school days of the date of the letter notifying them of the outcome of Stage 3, notifying that they wish their complaint to be heard by the complaints appeal panel.

At this stage the complainant must state in writing the reason for rejecting the outcome achieved at stage 3, and make clear the outcomes they are looking for which they believe will resolve the complaint.

The chair, or a nominated governor, will convene a governing body complaints appeal panel.

Governors will endeavour to convene the panel within 10 school days of receiving the request from the complainant to progress the complaint to Stage 4. Where this is not possible, it will be held as soon as practically possible.

The governors' appeal panel hearing is the last school based stage of the complaints process and is not convened to merely rubber stamp previous decisions. Individual complaints will not be heard by the whole governing body at any stage as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body will nominate three governors to have delegated powers to hear the complaint at this stage. The Panel will consist of two non-staff Governors who have not previously been involved in the complaint, and one person independent of the management of the school. In deciding the make-up of the Panel, Governors will try and ensure that it is a cross-section of the categories of Governor and sensitive to issues such as race, gender and religious affiliation. The Panel will select its own Chair.

The remit of the Complaints Appeal Panel is to:



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- 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.

The complainant will be notified in writing of the panel's decision, usually within 5 days. The letter will confirm the end of the school's and governing body's involvement with the complaint and explain any further rights of appeal. The complainant should be advised that the local authority has no role unless the complaint relates to a service provided by the local authority.

### **Complaints against the Headteacher, a governor or the governing board**

Complaints made against the Headteacher should be directed to the chair of governors. Where a complaint is against the Chair of Governors, any member of the governing board, or the entire governing board, it should be made in writing to the clerk to the governing board in the first instance. Please write to school address FAO The Clerk to Governors.

The clerk will acknowledge receipt of your complaint within five school days. The letter will explain the process that will be followed and the expected timescale for response.

The chair of governors will consider complaints about an individual governor, and the vice chair will consider complaints against the chair. If for any reason this is not appropriate, then another governor will be nominated. On conclusion of the investigation you will receive a written response detailing all appropriate information in relation to the complaint and information on any outcome(s). There will be no further right of appeal for complaints against an individual governor.

### **Unreasonable complaints**

On very rare occasions and despite significant time invested by the school in investigating complaints, some individuals will continue to pursue complaints beyond what the school would deem as reasonable, in a manner which is unreasonable. If despite best efforts individuals continue to unreasonably pursue a complaint this will be dealt with as an unreasonable complaint and the Headteacher or the Chair of Governors will write to those individuals requesting that they refrain from such behaviours, in line with the school's Unreasonable Complaints Policy.



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**Complaint Form Ashby Hill Top Primary School – to be used at Stage 3 of the complaints policy**

Complainant's Name:	
Pupil's Name:	
Complainant's Relationship to pupil:	
Address of Complainant:	
Post Code:	Daytime Tel:
Mobile:	E-mail:
<b>Please give details of your complaint:</b>	
<b>What action, if any, have you already taken to try to resolve your complaint. (Who did you speak to, when and what was the response?):</b>	



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**What outcomes or actions are you looking for which you feel might resolve the problem at this stage?**

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

**Signed:**

**Date:**

**Official Use:**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**



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**Complaint Form Ashby Hill Top Primary School – to be used at Stage 4 of the complaints policy**

Complainant's Name:	
Pupil's Name:	
Complainant's Relationship to pupil:	
Address of Complainant:	
Post Code:	Daytime Tel:
Mobile:	E-mail:
<b>Please give details of your complaint:</b>	
<b>Which part/s of the Stage 3 outcome do you wish to appeal against, and why?</b>	



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**What outcomes or actions are you looking for which you feel might resolve the problem at this stage?**

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

**Signed:**

**Date:**

**Official Use:**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**





## **Appendix 1: Roles and Responsibilities**

### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- co-operates with the school 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 for assistance as needed
- treats all those involved in the complaint with respect

### **The Complaints Co-ordinator (at Ashby Hill Top this is the Headteacher)**

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000
- liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure
- keep records

be aware of issues regarding:-

- sharing third party information
- additional support - this may be needed by complainants when making a complaint including interpretation support

### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:

Providing a comprehensive, open, transparent and fair consideration of the complaint through:-

- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- consideration of records and other relevant information
- interviewing staff and children/young people and other people relevant to the complaint
- analysing information
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right
- identifying solutions and recommending courses of action to resolve problems
- being mindful of the timescales to respond
- responding to the complainant in plain and clear language



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The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting

**The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)**

The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings
- circulate the minutes of the panel hearing
- notify all parties of the panel's decision
- liaise with the complaints co-ordinator

**The Panel Chair**

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- both the complainant and the school are given the opportunity to state their case and seek clarity
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing
- liaise with the Clerk and complaints co-ordinator

**Panel Member**

Panellists will need to be aware that:

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so



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- No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

Many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child.

The panel chair will ensure that the proceedings are as welcoming as possible.

Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing.

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

The welfare of the child/young person is paramount.



## **Appendix 2: Complaints not in Scope**

Complaints relating to the following are not within the scope of this policy. There are separate policies and procedures in place which cover these

<b>Exceptions</b>	<b>Who to contact</b>
<b>Admissions to schools</b> <b>Statutory assessments of Special Educational Needs (SEN)</b> <b>School re-organisation proposals</b> <b>Matters likely to require a Child Protection Investigation</b>	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman
<b>Exclusion of children from school</b>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
<b>Whistleblowing</b>	Schools must have an internal whistleblowing procedure for employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<b>Staff grievances and disciplinary procedures</b>	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<b>Complaints about services provided by other providers who may use school premises or facilities</b>	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.