



## HARTSBOURNE PRIMARY SCHOOL COMPLAINTS POLICY

To be read in conjunction with all Home-School Policies, Behaviour Policy, Equal Opportunities Policy, Pupil Diversity Policy, SEND Policy, Teaching and Learning Policy.

[www.hartsbourne.org.uk](http://www.hartsbourne.org.uk)

LED BY	DATE OF POLICY	DATE OF REVIEW
Governing Body	September 2018	September 2020
Reviewed By:	SLT and Governors	FGB

### RATIONALE

All academies must have a complaints procedure. This must meet the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7, which sets out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.

Whilst they are required to have a complaints procedure in place, Academies operate independently of the Local Authority. As such, the Local Authority is unable to investigate complaints regarding Academies. Parents wishing to escalate a complaint about an Academy which has not been satisfactorily resolved through the Academy's complaints procedure should contact the Education Funding Agency. The contact details for the Education Funding Agency are as follows:

Academies Central Unit (Academy Complaints) Education & Skills Funding Agency (ESFA) Earlsdon Park 53-55 Butts Road Coventry CV1 3BH Email: [academyquestions@esfa.education.gov.uk](mailto:academyquestions@esfa.education.gov.uk).

Academies' complaints procedures must be in writing, be made available to parents and set out clear timescales for the management of the complaint. The complaints procedure must consist of at least three stages:

- informal (usually a meeting with the complainant)
- formal (the complaint is put in writing)
- a panel hearing

If the complaint progresses to the final panel hearing stage, the academy will:

- allow the parent(s) to attend and be accompanied if they wish
- ensure at least one member of the panel is independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.

Hartsbourne Primary School works in partnership with parents, governors and the local authority and we seek to improve our school by paying close attention to concerns. We believe that nearly all concerns can be resolved quickly and informally through discussion with the class teacher, Inclusion Leader or Headteacher before they escalate into a formal complaint.

For formal complaints the Governors have adopted the 'School Based Complaints Procedure' as recommended by Hertfordshire County Council (2017) and the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7, This policy sets out the schools aims and general procedure for customer care and complaints. It does not cover:

- Child Protection Procedures
- Appeals about admissions
- Appeals to governors discipline committee against permanent exclusion from school
- Staff Disciplinary Procedures

Hartsbourne's Complaints Procedures are separate from any Disciplinary or Capability Procedures. If the investigation of any complaint were to lead to concerns on the part of the Headteacher or Governors about the capability or conduct of a member of staff, these would not be discussed or dealt with within the procedures outlined in this document.

## **PRINCIPLES AND AIMS**

We care about what you think and each day this school makes many decisions and tries hard to do the best for all the children. Your comments - either positive or negative - are helpful for future planning. You may want to talk to us about a particular aspect of this school, though not actually make a complaint - you just want to get something 'off your chest'.

If you are dissatisfied about the way your child is being treated, or any actions or lack of action by us, please feel free to contact us using the details listed above. To ensure our complaints procedures are robust and effective we will:

- publish the complaints procedure online
- make clear how we will deal with complaints from people who are not parents of attending pupils
- ensure parents are given reasonable notice of the panel hearing date if the complaint proceeds to a panel stage
- be clear what behaviour will be considered as unacceptable from complainants and the action we will take if a complainant behaves unacceptably
- consider if staff likely to be involved in handling a complaint are suitably equipped to do so.
- provide complainants with written responses where appropriate and if requested
- clearly signpost parents that are not satisfied about the handling of their complaint to ESFA via the [schools complaints form](#).
- Any member of school staff who is the subject of a parental complaint will have the opportunity to respond to the complaint during its investigation. They should also be able to see any response sent to the complainant as a result of the investigation.
- All complaints will be acknowledged within 5 school days (1 week).
- The Governing Body should deal with and respond fully to Stage 2 formal complaints within 28 school days (5½ weeks) of the written complaint being received. If this is not possible parents need to be given the reasons for the delay and to be kept informed of progress.
- Governors involved closely with complaints at Stage 1, cannot be involved with Stage 2 of the complaints process.

### **At Hartsbourne we aim to:**

- Encourage resolution of problems by informal means wherever possible.
- Ensure our policy is accessible, simple to understand and use;
- Act in an impartial, non-adversarial way and manage complaints honestly, fairly and politely
- Provide swift handling with established time limits for actions, keeping people informed of progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress.
- Enable parents to be accompanied at any formal meeting by a friend or representative who may speak on their behalf;

- keep a record of all findings and actions;
- give an apology if a mistake has been made and provide information to the school's senior management team so services can be improved if necessary.
- Ensure the Governing Body properly investigates the complaint in the school before the complainant can escalate the complaint to the Secretary of State or ESFA (see above).

## **GOVERNING BODY**

Governors will be mindful of their behaviour and attitude throughout their tenure in the role. They will follow the guidance from the Committee on Standards in Public Life regarding the 7 principles of public life which can be found at: [www.gov.uk/government/publications/the-7-principles-of-public-life](http://www.gov.uk/government/publications/the-7-principles-of-public-life).

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole Governing Body will not name individuals.

Parents who approach governors individually will be directed to the class teacher, Headteacher and this Policy. No individual governor deals with a complaint. The governor designated as Complaints Co-ordinator will ensure the relevant members of the Governing Body are aware of the complaint and will liaise directly with the complainant. The complaint is then referred to the relevant committee or back to the Headteacher if all the complaint procedures have not been exhausted at that level.

### **Once a formal complaint is made to Governors:**

- the complaint is not reported to the whole Governing Body until it is resolved, and then not in detail;
- information shared with the Governing Body will not name individuals;
- all parties to the complaint are given a fair hearing;
- the decision is given in writing to the complainant;
- the complainant is made aware of any right of appeal.

See Appendix 1 for further details of this process outlined in a step by step chart.

### **A complaint made by a Governor about a member of staff:**

This should be dealt with through the complaints process outlined in this document. The Governor concerned would withdraw from any meeting at which the complaint or its outcome was being discussed. If the complaint is related to the conduct of a member of staff, it would be more appropriate to invoke the School's Disciplinary Procedures.

### **Complaint by a member of Staff against an individual Governor acting in a personal capacity:**

This should be dealt with by The Chair of the Governing Body (or the Vice-Chair if the complaint is against the Chair) who should attempt to resolve the matter informally. If such a resolution is not possible, and with the agreement of the Governor concerned, a Panel of Governors could be set up to consider the matter as per the complaints process outlined in this document.

### **Complaint by a member of Staff against the action/decision of the Governing Body:**

If the decision was taken at a meeting of the full Governing Body the matter would have to be put on the agenda for review at another meeting and if the decision was then confirmed, that would be the end of the matter. (For this reason it is important that matters that could potentially lead to a complaint or appeal are routinely dealt with by a committee with delegated authority, in order to allow for an appeal or a rehearing by an unprejudiced second group of Governors). If a committee or individual with delegated authority took the original decision then a Panel of Governors who were not involved in the decision should review the matter, ensuring that the member of Staff concerned was given an opportunity to state his/her case to the Panel. Any decision by the Panel would be final.

**Complaint by a member of the public (not a Parent):**

Complaints from members of the public are most likely to be dealt with by the Headteacher and beyond that, the Chair of Governors.

**Complaint by a Parent whose child no longer attends the school:**

Where Parents have removed their child from the roll of a school it is clearly impossible for the Governing Body to put things right for that child. However, the Governing Body has a duty of care to the pupils who remain on roll and it would be advisable for Governors to review the circumstances to satisfy themselves that no-one had acted inappropriately, and that procedures and policies had been followed correctly.

Whilst we may not convene a Governor's Complaint Panel, we will inform Parents whether the complaint had been upheld or otherwise and of any changes to practice and procedures which have been agreed by the Governing Body. If a child is removed from roll after a complaint has been made, it is at the discretion of the Chair of Governors as to whether to proceed with a full Governors Complaint Panel or a Governor Review

**Complaints re compliance with Data Protection and Freedom of Information legislation:**

All schools are responsible for their own compliance with the Data Protection and Freedom of Information Acts, regardless of their status. Should the school receive a complaint concerning Data Protection or Freedom of Information compliance, the complaints process outlined in this document should be followed. Advice and guidance about DP and FOI can be found at [www.ico.org.uk](http://www.ico.org.uk).

**SPECIAL EDUCATIONAL NEEDS**

In the case of complaints about Special Educational Needs provision, parents may complain further to the Local Authority. This should be done by writing to the Children's Services Complaints Manager within 20 working days (4 weeks) of receiving the written outcome of the hearing into your complaint. After 20 working days (4 weeks), neither the school nor the Local Authority is under any obligation to investigate or progress a complaint any further.

**HOW TO MAKE A COMPLAINT****Step 1**

- If a parent has a general complaint about anything to do with the school (such as parking, arrangements for clubs, performances, assemblies), they should contact the school using the [parents@hartsbourne.org.uk](mailto:parents@hartsbourne.org.uk) email explaining the issue.
- If a parent has a complaint about something that happened in class, pupil behaviour towards one another or academic progress then parents should speak to their child's class teacher.
- If the complaint relates to special educational needs, then the parent should consult the school's Inclusion Leader (Mrs Durrant-Patel) as well as the class teacher.

Appointments to meet with class teachers and the Inclusion Leader should be made through the school office or by e mail using [parents@hartsbourne.org.uk](mailto:parents@hartsbourne.org.uk).

**Step 2**

- If the complaint has not been addressed satisfactorily by the class teacher and/or Inclusion Leader, then a parent should make an appointment to speak with the Headteacher. A brief outline of the reason for the appointment may be requested by the school office when the appointment is made.

### **Step 3**

If a parent is not satisfied with the outcomes of discussions as described in Steps 1 and 2, they can make a formal complaint to the Governing Body. This should be stated in writing by filling in a formal complaints form and sending it to the Chair of Governors. A copy of the form can be found at the end of this policy or obtained from the school website or school office. This allows the parent to state:

- what the complaint is about;
- who has been spoken to already;
- what actions they would like to see to resolve the complaint.

### **THE INVESTIGATION**

The person investigating the complaint (the Complaints Co-ordinator) will:

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet and/or contact the complainant if further information is necessary.
- Clarify what the complainant feels would put things right.
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Conduct the interview with an open mind and be prepared to persist in the questioning.
- Keep notes of the interview.

### **RESOLVING A COMPLAINT**

Prior to a complaint being escalated to involve a formal hearing, we will carefully consider how a complaint may be resolved: For example; we will consider whether to:

- acknowledge that the complaint is valid in whole or in part.
- offer an apology; an explanation; an admission that the situation could have been handled differently or better; an assurance that the event complained of will not recur; an explanation of the steps that have been taken to ensure that it will not.

### **TIME LIMITS**

Complaints should be made as soon as possible after the event to which they relate. The school will investigate complaints that are made within six months of the event or made within six months of the complainant realising that they have cause for complaint as long as that is no more than 12 months after the event itself.

If the complainant was not aware that there was cause for complaint, then the complaint must be made within six months of the date from which they become aware, or 12 months from the date of the event whichever is earlier.

The School has discretion to extend these time limits where it would have been unreasonable for the complaint to be made earlier and where it is still possible to investigate the facts. If this discretion is rejected, the complainant may appeal to the Governing Body.

### **VEXATIOUS COMPLAINTS**

There may be a rare occasion when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. A vexatious complaint is likely to involve some or all of the following:

- The complaint arises from a historic and irreversible decision or incident.
- Contact with the school is frequent, lengthy, complicated and stressful for staff.
- The complainant behaves in an aggressive manner to staff when he/she presents his/her complaint or is verbally abusive or threatening.
- The complainant changes aspects of the complaint partway through the complaint process.
- The complainant makes and breaks contact with the school on an ongoing basis.
- The complainant persistently approaches the school (and in some cases the Local Authority) through different routes about the same issue in the hope of getting different responses.

If the situation is challenging but it is possible to proceed, staff will avoid giving unrealistic expectations on the outcome of the complaint. In instances where there is a complete breakdown of relations between the complainant and the school, a decision may be made to restrict contact. Any restrictions imposed will be appropriate and proportionate. The options that Hartsbourne is most likely to consider are:

- Requesting contact in a particular form (e.g. letters only).
- Requiring contact to take place with a named member of staff (e.g. Headteacher).
- Restricting telephone calls to specified days and times.
- Asking the complainant to enter into an agreement about his/her future contact with the school.
- Informing the complainant that if he/she still does not follow advice (as stated above), any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged but will be kept on file.
- If the complainant tries to reopen an issue that has already been examined through the complaints procedure, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **USEFUL CONTACTS**

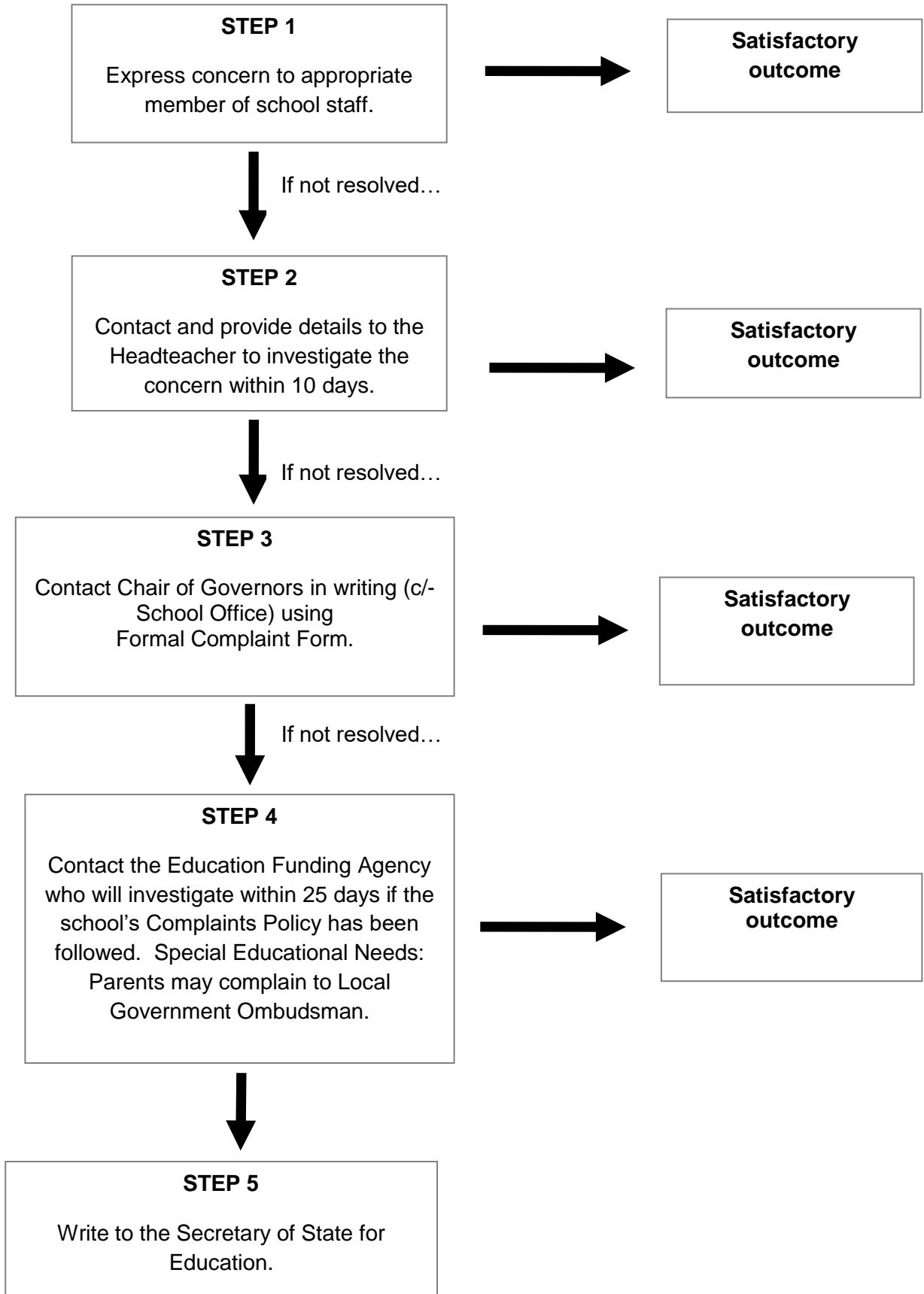
Advisory Centre for Education POhWER Education Advice & Training Hertlands House 72 Durnsford Road Primett Road London Stevenage N11 2EJ SG1 3EE Web: [www.ace-ed.org.uk](http://www.ace-ed.org.uk) Web: [www.pohwer.net](http://www.pohwer.net) Phone: 0300 0115 142 Phone: 0300 456 2370

Children's Legal Centre National Youth Advocacy Service Riverside Office Centre (NYAS) Century House North Egerton House North Station Road Tower Road Colchester Birkenhead Essex Wirral CO1 1RE CH41 1FN Web: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) Web: [www.nyas.net](http://www.nyas.net) Phone: 0345 345 4345 Phone: 0345 345 4345

Special Educational Needs & Disability Information Advice Support Service (SENDIASS) Web: [www.hertfordshire.gov.uk/sendiaass](http://www.hertfordshire.gov.uk/sendiaass) Email: [SENDIASS@hertfordshire.gov.uk](mailto:SENDIASS@hertfordshire.gov.uk) Phone: 01992 555847.



STEPS TOWARDS RESOLVING CONCERNS AND COMPLAINTS





**HARTSBOURNE PRIMARY SCHOOL  
Formal Complaint Form**

<b>Full name</b>		
<b>Address</b>		
<b>Postcode</b>		
<b>Email address</b>		
<b>Telephone no.</b>	<b>Day</b>	
	<b>Evening</b>	
	<b>Mobile</b>	
<b>What is it you would like to complain about?</b>		
<b>Have you complained to the Headteacher?</b>	<b>YES</b>	<b>NO</b>
<b>When did you do this?</b>	<b>Date:</b>	
<b>What happened when you complained to the Headteacher?</b>		

<b>What would you like the school to do to resolve your complaint?</b>

**Signed:**

**Date:**

Please return this form to Chair of Governors, (Mrs Stockman) c/- the school in a sealed envelope marked 'confidential'.