

Bushey St James Trust



Hartsbourne Primary School

Complaints Policy

Last Reviewed:	July 2021	Next Review:	July 2023
Approved by:	Trust Board	Date:	15.7.21

Rationale

Hartsbourne Primary School is a large and complex organisation. We have many teachers and other adults on our staff and over 400 pupils being educated here. We strive constantly to fulfil our strategic commitment, purpose and intent and our school motto of *Learning Together Respecting Each other Success for all* and do our best for all the young people in our care and for the adults on our staff.

In the course of every day there are thousands of interactions between staff and pupils, staff and parents and carers and between pupils. We always try to communicate effectively and implement all processes and procedures fairly – but, as with any human organisation, sometimes things go wrong, communication fails, or we make a mistake.

In these circumstances we are very willing to listen to criticism and challenge and we hope to respond in a positive spirit in order to bring about improvement or redress.

Aims

At Hartsbourne we aim to do our best for all our children, young people and the whole school community. 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. If this is the case please telephone, email or write to the school and a member of staff will discuss this with you.

If you are dissatisfied about the way your child is being treated, or any actions or lack of action by us, please feel able to complain (complaint forms are attached at the end of this policy).

The aims of our complaints policy are:

- to enable complainants to express their dissatisfaction
- to ensure that anyone making a complaint about the school, or between persons within or connected with the school, is dealt with sympathetically and courteously
- to take complaints seriously and investigate them fairly and thoroughly
- to ensure that where errors or faults on our part are demonstrated, they are remedied as far as is possible, to the satisfaction of the complainant
- to learn from complaints in order to make improvements to our practice and procedure

At each stage in the procedure the school will want to keep in mind ways in which the complaint might be positively resolved through:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an explanation of the steps that have been taken to ensure that every effort will be made to prevent a similar situation arising
- an undertaking to review school policies in the light of the complaint

Our Promise to You

- Your complaint will be dealt with honestly, politely and in confidence
- Your complaint will be looked into thoroughly and fairly
- We will keep you up to date with progress at each stage
- You will get an apology if we have made a mistake
- You will be told what we are going to do to put things right

- You will get a full and clear written reply to formal complaints within 15 working days

The policy is divided into the following sections:

- a) complaints made by pupils
- b) complaints made by parents
- c) complaints made by staff
- d) complaints made by governors
- e) complaints made by members of the public

The Complaints Policy will be available at the school and published on the school website.

Practice

How do you make a Complaint against the School?

What can you do?

Think clearly about the complaint you wish to make and what you want to achieve. If your complaint concerns an incident, please be ready to tell the school where, when and how you think it happened and who was involved. Your complaint might be about a difference of opinion, a matter of school policy or practice or a matter that needs clarifying. The outcome you wish may be an apology, an explanation or a review of practice or policy in the school.

How do I complain?

The school staff with designated responsibilities, the Headteacher and the Governing Body are variously responsible for handling complaints about the school. In the first instance you must take your complaint straight to the school. Complaints can pass through several stages, described as follows. If you are unsure who is the most appropriate person to take your complaint to, contact the school and ask – giving an indication of the nature of your complaint.

Informal Stage

1. In the first instance, contact the school and find out who would be the most appropriate person to talk to.
2. Arrange to speak to that person, either on the telephone or by making an appointment to speak to them in person or fax, e-mail or write to them at the school.
3. Their response will be by telephone, e-mail or in writing within 15 working days.

Most complaints are resolved satisfactorily at this stage and are brought to a close. If you are not satisfied your complaint moves on to the Formal Stages of the Complaints Policy. (See pages 7 – 8)

1. Pupils

At Hartsbourne Primary School a pupil's first point of contact is their class teacher. Any complaint should be made in the first instance to them. If the complaint is regarding their class teacher it should be made to the Year Leader. The complaint will be discussed with the pupil and if required investigated. The outcome will be discussed with the pupil. If the complaint is assessed to be serious, the Assistant Headteacher will be informed who may decide to inform the Deputy Headteacher and the parents/carers.

If a pupil feels the complaint has not been resolved it may be taken to the Deputy Headteacher who will review the complaint and investigation. If required the Deputy Headteacher will conduct a further investigation and report the findings to the pupil.

If the pupil feels the complaint has not been resolved, the Deputy Headteacher will contact the parents/carers and arrange a meeting to discuss it with them.

2. Parents

(i) Parental complaints about the curriculum, policies, procedures and about members of staff and members of the governing body.

Under this procedure, any member of staff who is complained about will have the opportunity to respond to the complaint during its investigation and will be able to see any response sent to the complainant as a result of the investigation.

There are entirely separate procedures for dealing with staff disciplinary matters, staff grievance, appeals against exclusions, admission appeals and child protection.

Complaints about the curriculum and collective worship may be made as an individual parent or on behalf of a group of parents/carers, with their agreement. For details of what is covered by a curriculum complaint, see Appendix A.

(ii) Complaints made by a parent whose child no longer attends the school.

The purpose of this complaints policy is to ensure that if an error has been made, or an injustice done, some action can be taken to remedy matters. 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 investigate the circumstances to satisfy themselves that no-one had acted inappropriately and that procedures and policies had been followed correctly.

3. Staff

(i) Staff complaints made by one member of staff against another

If it cannot be resolved through day to day staff line management activities, the normal course of action would be to complain to the Deputy Headteacher or Headteacher. However, before or after this a member of staff may invoke the Staff Grievance Procedure (see Staff Discipline Policy).

(ii) Complaints by a member of staff against an individual governor acting in a personal capacity

The Chair of the governing body (or the Vice-Chair if the complaint is against the Chair) 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 under the formal complaints procedure outlined in this policy.

(iii) 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. 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.

4. Governors

(i) Complaints made by a governor about a member of staff.

This should be dealt with through the complaints procedure outlined in this policy. Clearly the governor concerned would have to 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.

5. Members of the public (not a parent/carer)

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

6. Complaints against parents

Hartsbourne Primary School will operate the complaints procedure against the school and its staff alongside a procedure that allows staff to register complaints against parental behaviour. As with the parents' complaints procedure it is assumed that procedures to protect staff against inappropriate parental behaviour should be systematic and transparent. The school will, as with parental complaints, aim to deal with most complaints before they reach the formal stages of the procedure outlined below.

When a member of staff feels that they have been subjected to inappropriate behaviour or language from a parent they should report this in writing to a senior member of staff, with a copy to their immediate line manager. Such incident reports will be recorded in the complaints file kept by the Headteacher.

Following discussion between the member of staff, their line manager and the senior member of staff, an appropriate course of action will be decided upon. The parent will be contacted by the member of staff concerned, the line manager or the senior member of staff. In most cases the matter will be satisfactorily resolved at this stage and no further action need to be taken.

If the matter is considered to be too serious to be dealt with under the procedure outlined above then the Headteacher (or in her absence the Deputy Headteacher), will decide on a further appropriate response. If more formal action is required, the Headteacher will consult with the Chair of the Finance and Resources Committee and the Chair of Governors.

The Complaints File

This is kept by the Headteacher. The file records complaints made by parents and complaints made by members of staff about parents.

Each entry should record:

- (a) the name of the person making the complaint
- (b) the date of the complaint
- (c) the nature of the complaint and the name of all those involved
- (d) if the complaint was resolved and how
- (e) if it was not resolved, to whom it was referred and why
- (f) the report of the incident will have attached any supporting witness statements or other evidence

The Headteacher will review the complaints file on a regular basis. The record of complaints made against staff and against parents will be reported on an annual basis to the Chair of the Finance and Resources Committee.

The Complaints Procedure (Parents/Carers)

As is normal practice, at Hartsbourne we have arrangements in place for someone other than the Headteacher or Deputy Headteacher to help you first of all, so if you ask to speak to the Headteacher or Deputy Headteacher about your complaint, you will be asked whether you have already contacted your child's class teacher, the Year Leader and Assistant Headteacher. If you have not, you will be asked to make an appointment with them.

Steps in the Complaints Procedure

Stage 1

- Most of the time, any concerns that you have about your child's education can best be resolved by talking to your child's class teacher and/or Year Leader
- If, however, this fails to resolve the problem, you should contact the Assistant Headteacher. If the Assistant Headteacher does not deal with the complaint to your satisfaction, you should make an appointment to see the Deputy Headteacher

Stage 2

- If the Deputy Headteacher does not deal with your complaint to your satisfaction, you should make an appointment to see the Headteacher (complete form Appendix B so the Headteacher can have all the facts of the case and investigate, where appropriate, in preparation for the meeting)
- It is most helpful at this stage if you could state what you wish to achieve – an apology, an explanation, a change to school practice etc. Please do not forget to give your full name and contact details and, where applicable, the pupil's name, year and form group
- The Headteacher or designated member of staff will investigate the matter and will let you know in writing the outcome and any action to be taken
- Please note that it can take some time for a school to complete an investigation. Teachers spend most of their time teaching and the Headteacher has many planned commitments. Therefore it can take time to discuss matters with all those who may be involved
- The school will respond to you within 15 working days

Stage 3

- If the Headteacher does not resolve your complaint to your satisfaction, you can make a formal complaint to the Governing Body as per procedure below
- If the complaint is regarding the Headteacher and you are unable to resolve this complaint in discussion with the Headteacher, or you feel it is inappropriate to discuss with the Headteacher, then a complaint should be made to the Chair of the Governing Body following the steps below
- If your complaint is regarding a member of the Governing Body, this should be reported to the Headteacher who will clarify members of the governing body and roles and

responsibilities. If this fails to resolve your complaint a letter should be sent to the Chair of the Governing Body or if your complaint is regarding the chair, the complaint should be made to the Vice Chair of the Governing Body following the procedure outlined below

- Please note that Hartsbourne is an Academy in the Bushey St James Trust, which means that the Trust, not the Local Education Authority (LEA), is the employer of staff and is responsible for determining the curriculum of the school

How do I Make a Formal Complaint to the Governing Body?

- a) You should complete a Formal Complaint Form (Appendix C of this procedure) and send it to the school office, who will forward it to the Chair. This Formal Complaint must be made in writing to the school within 15 working days of the completion of Stage 2. This moves the complaint to Stage 3.
- b) The Governing Body should normally respond to your complaint within 15 working days of receiving your written complaint. If this is not possible, they will let you know the reasons for the delay and will keep you informed.
- c) The Chair of Governors will arrange for your complaint to be considered and investigated by a panel of three governors who have not been involved in your complaint up to this point.
- d) Both parties should make available to the panel, in advance, any written information they intend to use in the formal hearing.
- e) The panel may ask to meet you personally if it feels that this is necessary in order to clarify the nature and detail of your complaint. You may bring a friend or representative who may speak on your behalf at any meeting.
- f) The chair of the panel may invite to the meeting any person who may help to establish the facts of the complaint. He or she will tell you who this person is before the meeting.
- g) If any member of staff is required by the governing body to attend any meeting they will have the opportunity to be accompanied or represented as they wish.
- h) A member of staff named by parents in the complaint may also choose to attend any meeting, even if not required to do so by the governors and may be represented. If this happens, the school will tell you before the meeting.
- i) When the panel has completed its investigation and consideration of your complaint, and made its findings, the chair of the panel will write to let you know the outcome of your complaint and any agreed actions to be taken. This decision will be communicated in writing to both parties within 5 working days. A copy will be sent to the Headteacher for retention by the school.
- j) The decision of the panel is final. If you still feel that the school has acted unreasonably or not followed the correct procedures, you may wish to put your complaint in writing to the Secretary of State for Education.

Curriculum Complaints

The kind of complaints covered here are defined by the 1996 Education Act, as amended by Paragraph 107, Schedule 30, School Standards and Framework Act 1998. They are complaints that the governors of a school are not doing what the law requires of them because they:

- have failed to fulfil any of the duties listed below; or
- have acted or are proposing to act unreasonably in performing any of those duties or exercising any power relating to the curriculum or collective worship

The duties involved are as follows and are common to governing bodies (references are to sections of the 1996 Education Act).

- The provision of a curriculum including religious education and worship which meets the general requirements of Sections 350-352 of the Act
- The implementation of the national curriculum and compliance with orders and regulations made about its requirements and exceptions to its provisions (sections 356-389)
- Provision to pupils of compulsory school age of courses leading to an external qualification only if that qualification and the associated specification criteria have been approved by the Secretary of State or under arrangements approved by the Secretary of State (section 400)
- Provision of religious education and worship as required by the Act and other enactments (Section 375-389 and 394)
- Compliance with regulations about the provision of information (Section 408)
- Operation of charging policies in relation to the curriculum (Sections 455-456)
- The need to act reasonably in deciding whether or not to be associated with an application for exemption from all or part of the National Curriculum in order to carry out developmental work (Section 362)
- Consideration of appeals by parents about temporary withdrawal of pupils from part or all of the provisions of the National Curriculum
- Compliance with any other enactments relating to the curriculum

Consideration of a complaint will need to establish whether the governors are acting reasonably and within the law and meeting their obligations or whether if this is not the case some action is required. In considering that question it may be necessary to consider whether:

- The governors' policy is consistent with legal requirements
- Their actions are consistent with their policy
- The actions of staff are consistent with their policy

Complaint to the Headteacher

Name		
Address		
Email address		
Telephone Contact Numbers	Day	Telephone Contact Numbers
	Evening	
What is it you want to complain about?		
What would you like us to do to put things right?		
Signed		
Date		

Please submit the completed form to the Headteacher's Office

Complaint to the Governing Body

Name		
Address		
Email address		
Telephone Contact Numbers	Day	
	Evening	
What is it you want to complain about?		
Have you complained to the Headteacher?	YES	NO
When did you do this?	Date:	
What happened when you complained to the Headteacher?		
What would you like us to do to put things right?		
Signed		
Date		

Please return this form to the Chair of the Governing Body, c/o Clerk to Governors, Hartsbourne Primary School

Governors' Complaints Panel

The Governing Body should agree the composition of the complaint panel at the first meeting of the Governing Body each year. It is recommended that the names of 4 or 5 governors are agreed from whom a panel of three may be drawn.

There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised 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.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults.
- The governors sitting on the panel need to be aware of the Complaints Policy.

Remit of the Complaints Panel

The panel needs to consider whether the complaint:

- relates to a decision taken by the Headteacher, member of staff or the Governing Body
- is about the way a complaint or concern was handled

If the complaint was in relation to a decision taken by the Headteacher or member of staff, the panel will need to consider whether:

- A** it was a decision within the Headteacher's responsibility or
- B** an area where the Governing Body have responsibility, or share responsibility but have delegated this to the Headteacher

If the complaint relates to **A**, the panel can:

- consider the manner in which the complaint was addressed but not consider an alternative outcome
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

If the complaint relates to **B**, the panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole 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.

Roles and Responsibilities

The Role of the Clerk

Any panel or group of governors considering complaints should be clerked. The clerk would be the contact point for the complainant and be required 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
- notify all parties of the panel's decision

The Role of the Chair of the Governing Body or the Nominated Governor

The Chair of the Governing Body or nominated governor should:

- check that the correct procedure has been followed
- if a hearing is appropriate, notify the clerk to arrange the panel

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acts independently
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it

Notification of the Panel's Decision

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, within 5 working days with the panel's response.