



**COMPLAINTS PROCEDURE
POLICY**

HEATON SCHOOL

2018-19

Heaton School Policy Record

**Complaints Procedure Policy Agreed at:
Teaching & Learning Committee 20.11.18**

Signed and Approved by:

Headteacher ----- (Signature)

----- (Name)

----- (Date)

Chair of Committee----- (Signature)

----- (Name)

----- (Date)

To Be Reviewed: Autumn 2020

Designated person: J Curtis Headteacher

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Heaton School Complaints Procedure

Heaton School is anxious to develop and maintain close working relationships with parents and carers. If parents are concerned about any aspect of their child's education we encourage them to contact the school as soon as the matter arises. We try to resolve any problems that may arise through informal discussion and as quickly as possible. However if such a procedure fails to settle a complaint the school has a formal procedure for dealing with this. This information can be requested through the Headteacher and is also available via our school website. www.heaton.stockport.sch.uk

Prevention / Early Intervention

At the heart of prevention and early intervention is the way in which we at Heaton prepare our staff through relevant training, and the systems put in place to ensure all staff are aware of their individual roles and responsibilities. It would be unrealistic to expect every member of staff to have in-depth knowledge of the complaints process. However, an understanding of the key principles and the internal system Heaton operates in responding to complaints would be highly advantageous and would help ensure that the process is followed, particularly in the absence of key members of staff.

Headteacher & SLT have a responsibility to ensure that:

- The school's complaints procedure/policy has been approved by the governing body and is in place.
- Relevant staff and governors are aware of procedures
- The Headteacher is available for parents, carers and students should the need arise.

The head teacher will ensure that standard letters are issued by SLT. Any response to solicitors, courts and the media will be dealt with in conjunction with advice from the LA.

Should a parent or carer have a complaint, it is hoped that will be dealt with in the first instance by the class team. Should it be necessary, SLT and the Head teacher will deal with issues should they not be a resolution. Where necessary training and advice will be put in place in order to support staff where need arises.

If a complaint is not resolved within school, contact details for the appropriate person within the LA will be provided.

The Headteacher will co-ordinate and monitor all complaints and will record and report complaints.

Teaching Staff:

Teaching staff should have a knowledge of school policy and procedures and understand the need for consistency when dealing with pupils. In addition teachers should have up to date safeguarding knowledge should this be appropriate. Staff within the class team should always report complaints to the class teacher in the first instance.

Teachers should record and report information to / from parents

The school policy on managing personal information should be referred to if required.

Governors:

- Governors should be aware of school policies and procedures and should
- ensure all policies are in place / reviewed and that HT, governors and staff follow them
- Governors should be aware of their roles and responsibilities and when to become involved
- Governors should have an awareness of their responsibilities when dealing with complaints about the Head teacher, Chair and Vice Chair.

All issues should be dealt with confidentially.

The Governing body has a responsibility to ensure policies are regularly reviewed, and are encouraged to further develop their systems in other areas, including

- training for all staff
- reporting and recording procedures
- informing parents about school policies and practices and,
- identifying designated staff that parents can approach when the Head teacher is not involved or available.

NB: An individual governor should not respond to, or investigate a complaint, unless designated to do so.

Parents:

Information is available in the school prospectus, or school website re:

- Complaint policy and access to the relevant school information
- Clear expectations of parents when making a complaint

We appreciate that at the core of many parental complaints is the perception that the school or, chair of governors, has not treated their complaint seriously, or has failed to deal effectively with the concerns they have raised. This can often lead to reduced parental confidence in the school's ability to be pro-active in resolving matters, and mistrust in the organisations willingness to consider change.

At Heaton we aim to make parents and carers feel able to raise concerns with members of staff, without any formality, and to expect an early indication as to how the school will respond. We appreciate the anxiety parents and carers feel about

their children and will do our utmost to work with them to ensure the best outcomes for their child's education and wellbeing.

Investigating Complaints

We will aim to ensure that at each stage, the person investigating the complaint makes sure that they:

- Meet with or, contact the parent to clarify the nature of the complaint and any unresolved issues;
- Establish what has happened so far, and who has been involved;
- Identify what outcome the parent feels would help address their concerns;
- Interview, where necessary, those involved in the matter: taking account of the relevant guidance relating to the safety of staff and pupils
- Ensure any discussion is documented

At each stage in the procedure, we will consider ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or, in part. In addition it may be appropriate to offer one or more of the following:

- An apology;
- An explanation;
- An acknowledgment that the situation could have been handled differently
- A description of the steps that have / will be taken in response to the complaint, including a review of any decisions or school policies in light of the complaint.

We recognise that handling complaints effectively will ensure parents feel confident that staff treat complaints seriously, and respond in a sensitive, non-judgemental, confidential and sympathetic manner. We will reassure parents that their child will not be adversely affected, which is a common misconception. We recognise that when a parent approaches a member of staff about a concern it is good practice to:

- Listen sympathetically without comment: a categorical denial at this stage can escalate matters and make the parent feel they are wasting their time
- Explain the procedures, that is, what will happen next and who will deal with the issue
- Signpost parents to the school / Council website
- Record the details and / or ask the parent to put it in writing to the appropriate member of staff.

The member of staff may need to create a file and record the relevant details. It is advisable to keep records in the file of any meetings or conversations, along with a chronological record of events. This would include a telephone conversation and any e-mail communications. Schools should remember that any recorded conversation / notes, in any medium, can be sought by the parent under the Data Protection Act and all staff should be made aware of this

We recognise it is particularly helpful to establish the desired outcomes at an early stage. If a complaint is complex and lengthy, we will keep parents informed of

progress either by telephone or letter. Following investigation the parent should receive:

- A specific response that answers each element of their concerns, rather than a standard reply
- Feedback on any outcomes such as an improvement in service, an agreement to review or amend a policy or, an explanation as to why the actions of the school did / did not comply with LA or school policy
- Information on any further recourse through the chair of governors and / or, the contact details of the LA's Complaints Resolution Service (CRS)

The Complaints Procedure

At Heaton we recognise the importance of protecting the rights of all parties and that we adhere to the staged procedure. Therefore, within this process, if any parent reports a complaint to the Chair of Governors, individual governor, or the LA, the parent should be directed in the first instance to the school for the matter to be considered by the appropriate member of staff. If the parent, for whatever reason, does not wish to discuss the matter with the school and contacts the LA direct: the LA will liaise with the Head teacher / chairperson and parent, forthwith, as to the best method of response and resolution to the concern.

Where a complaint received by the LA relates to more general issues, for example, school leadership and management or, standards, etc., the LA in consultation with the relevant services, Head teacher and chair of governing body, will decide on the most appropriate manner in which to respond.

The following recommended stages are sequential and, therefore, it would not be appropriate for any stage to be omitted unless in exceptional circumstances and, with the agreement of all parties.

There are three stages to the procedure, two informal and one formal –
Informal resolution

Stage 1 - The Class teacher / SLT / Headteacher

Stage 2 - Chair of Governors

Formal Appeals Stage

Stage 3 - Governing Body Complaint Panel

NB – *If the school's complaint procedure has been exhausted and the parent remains dissatisfied, they can progress their complaint to OfSTED, the Secretary of State or, the Local Government Ombudsman.*

Stage 1: Informal Resolution

We place great emphasis on an informal approach to achieve a satisfactory resolution at the earliest opportunity for all parties. Effective communication systems and complaint-handling strategies in place help in this.

Parents are encouraged to speak informally with the class teacher in the first instance. This is usually the first step for a parental concern and, due to the first hand information that the teacher has about the pupil, many concerns can be resolved at this point. Records will be taken and retained at this stage in case there is a repetition of the incident or concern. In addition, due to the nature of Heaton School where it may not always be possible for the teacher to be available, any member of SLT will be available to talk to parents during the day of their initial contact.

The member of staff will clarify with the parent the nature of the concern, and reassure them that the school will take their concern seriously.

Depending on the nature and / or complexity of the complaint, it may be appropriate to advise the parent that an immediate solution may not be forthcoming and that facts or information relating to the incident may have to be clarified before a response can be given.

If the member of staff first contacted cannot immediately deal with the matter, s/he should make a clear note of the date, name, contact address or phone number and a record of the nature of the parent's complaint and, if necessary, ensure it is referred to the appropriate member of staff.

The staff member dealing with the complaint should make sure that the parent is clear of any agreed action (including monitoring of the situation); putting this in writing if it seems the best way of making this clear. In any case, a note should be made of the action and retained on file.

Parents should be given clear information about how to proceed and about any independent advice available to them.

If the parent remains dissatisfied the matter should be referred to the Head teacher.

Headteacher Involvement

Where necessary, parents are made aware of the responsibilities of the Head teacher and governing body in the complaints process and schools will include references to these in any information to parents.

Where a complaint is referred to or dealt with by the headteacher, it is important that s/he clarifies the nature of the complaint and ensures the process remains the appropriate one to follow.

Where a written complaint is received the headteacher should:

- Consider whether a meeting is necessary: if so, arrange. If not, acknowledge in writing within two working days confirming their understanding of the exact nature of the complaint
- Describe what action will be taken
- Give a description of the complaints procedure and,
- Provide a target date for a response to the parent.

Standard practice is to offer a full response within ten school days of receipt of the parent's letter. If the complaint requires a more in-depth investigation, the Head teacher will need to acknowledge this and let the parent know that a full response will take longer than usual, advising them of a date when the response can be expected.

As part of the investigation the Head teacher or, designated person, should take reasonable steps to interview those involved and any witnesses: recording any responses, which should be agreed and signed.

The Head teacher will provide an opportunity to meet with the parent in order to supplement any information previously provided. It will be made clear that they can be accompanied to the meeting by a friend, relative or representative and arrangements for any interpreting facilities should be considered where necessary. Equally, the Head teacher will consider whether the presence of another member of staff is necessary to act as note-taker or, in more serious cases, a witness to events.

Following any meeting with parents, a follow-up letter summarising the main points of the discussion will be provided. This will prevent any misunderstandings and ensure that all parties have a clear record of progress or agreements.

Schools should maintain written records of interviews, telephone conversations, and other documentation in order that they can be made available during any formal meeting, etc, at a later date.

The Head teacher's written response to the parent will set out the results of any investigation and include details of the actions the school has taken to resolve the complaint. Parents should also be advised that, should they remain dissatisfied, they have the right to progress their complaint to the next stage. To do this, parents must write to the chair of governors, via the school, within fifteen working days of receipt of the response letter from the Head teacher at stage 1. A copy of the response should also be sent to the CRS.

Local Authority Involvement

Whilst the majority of complaints are dealt with by schools, the LA can, and does, receive telephone and written complaints. These complaints are logged onto a central system: RESPOND. The purpose of the system is to record the LA's involvement and contribution in supporting Head teachers in the day-to-day management of schools, as opposed to schools' responses to complaints (except where responses are provided to the LA), or the timescales by which they should respond. In the main, this is because the school has a statutory duty to have in place a procedure for dealing with complaints, not the LA. Should the complaint be received by the LA it will be forwarded to the school and the date logged as the date received by the LA. The only exception to this will be if the complaint is received during the school holidays, in which case the acknowledgement letter will record the date received by the LA but, the complainant informed that this will not be able to be processed by the school until their return and that the timescale will start from that date. If the complaint is in writing the LA will acknowledge the complaint within two working days and forward any documentation to the school for the head teacher's attention. If received verbally the LA will request the complaint be put in writing to the school. In any event, parents will be advised where school holidays may affect the timescale for response. Where a complaint is received, and it is established that there has been no involvement from the school, the parent will be directed to the school. The headteacher will be informed of the concerns and given a copy of any documentation received for his / her attention or, a description of the exact nature of the complaint, if made verbally.

If the parent has had previous contact with the school regarding the matter, and expresses continued dissatisfaction at the actual or, lack of response from the school, the LA officer will clarify the extent of contact between the parent and school and, following consultation with all relevant parties, agree whether the matter should be dealt with at Stage 1 or 2 of the process.

Stage 2: Chair of Governing Body

If the parent remains dissatisfied with the Head teacher's response at stage 1, they can request the matter be progressed to the next stage and put their complaint in writing to the chair of governors. The school should then forward the letter to the chairperson within three working days.

The chairperson should acknowledge the complaint within three school days. The letter should confirm their understanding of the exact nature of the complaint itself; give a description of the complaints procedure and a target date for providing a response to the parent. A full response should be made within 15 school days, however, if the complaint requires an in-depth investigation, the chairperson will need to acknowledge this and let the parent know that a full response will take longer than usual, advising them of a date when the response can be expected.

The role of the chairperson at this stage is to ensure that the parents' concerns are given due consideration. In doing so s/he should not merely reiterate the school's conclusions as this would ultimately be an unviable position for either the school or the parent if contested later. The chairperson at this stage will carefully consider the progress of the concerns to date, what the school has done to investigate the

complaint and to seek resolution with the parent. S/he will then assess if this has been sufficient and whether anything else could be done to affect resolution of the matter. It could be that, as a result of this process, the school is considered to have treated the matter fairly and gone some way to attempt resolution. However the chairperson may also suggest an alternative course of action in order that the matter is brought to a successful conclusion.

Informal discussions between the chairperson and the Head teacher to agree a way forward are very important at this stage and could help prevent any further escalation of the complaint. In addition the chairperson may also seek guidance and support from the LA.

The chairperson may wish to meet with the parents in order to supplement any information provided previously and it should be made clear to the parent that if s/he wishes, a friend, relative or representative may accompany them to any meeting. Equally, the chairperson should consider whether the presence of a member of staff is necessary to act as note-taker or, in more serious cases, a witness to events. Schools should make arrangements for any interpreting facilities to be made available where necessary.

The chairperson should investigate the complaint in light of any information or correspondence from the school's previous involvement and discussions with the head, member(s) of staff involved and, the parent. Records should be kept of this process and any individual involvement in order that they can be made available should the matter be taken to the appeal stage. Interviews with pupils should not be carried out by the chairperson: these should be designated to an appropriate member of staff with no previous involvement, such as the Deputy Head teacher or, other senior member of staff.

Following completion of the investigation, the chairperson should then write to the parent, outlining their decisions, any actions that have been or, will, be taken, and any recommendations to the school or Governing Body. A copy of the response should also be sent to the CRS. Parents should be advised that if they remain dissatisfied they have the right to progress their complaint to the next stage. Parents should be advised to make such a request in writing to the CRS within a maximum of 15 working days of receipt of the response letter from the chairperson at stage 2. Their letter should outline the elements of the response they remain dissatisfied with. The CRS will, in turn, make arrangements for the meeting of the Governing Body Appeal Panel. It is important to check again, that the complaint is still of a general nature and not covered by other existing procedures. It is highly recommended at this stage that parents are advised of the remit of the complaints panel in relation to their particular complaint.

Local Authority Involvement

If at this stage the parent or chair of governing body approaches the LA for support with the resolution of the complaint, the LA will work with all parties to help bring about a resolution to the matter. This may take the form of advice and guidance, direct work with the parent and school, and attendance at any arranged meeting. Also, where required, support with written responses to parents, etc.

Stage 3: Appeal to the Governing Body Complaints Panel

If following the above two informal stages the parent remains dissatisfied, they can request that the matter proceeds to the appeal stage of the process. It should be noted, however, that whilst this is the formal stage of the complaints process the standard of proof applied by the panel will be the civil standard of 'balance of probabilities' and not the criminal standard of 'beyond reasonable doubt', as generated under Police or Court processes.

Within 5 working days of receipt of the request to proceed to stage three, the CRS will inform the parent, headteacher, chair of governing body, any relevant witnesses, and members of the appeal panel of the date, time and place of the meeting, which should take place within 20 school days of receipt of the request. The notification to the parent and headteacher should also inform them of the right to be accompanied to the meeting by a friend / interpreter. The letter will explain the main issues relating to the complaint, how the meeting will be conducted and the parent's and school's right to submit further written evidence to the panel. This evidence should be returned to the CRS in sufficient time to enable it to be circulated to all parties at least 5 days prior to the meeting.

The CRS will arrange to convene the complaints panel, elected from members of the governing body (excluding Associate Members), and a chair and vice chair should be agreed. It may be necessary for the governing body to appoint reserves to this panel to ensure that three governors are available at any one time to carry out their responsibilities within the set timescale.

- The complaints panel members should agree a date for the meeting and the CRS will communicate this to the relevant parties
- The members of the complaints panel should be governors who have had no significant involvement with the complaint. This may include the chair of governors if not previously involved.
- The chair of the complaints panel should ensure that the complaint is heard within a maximum of 20 working days of receipt of the letter.

The CRS will invite the Head teacher and Chair of GB to prepare a written report for the panel in response to the complaint. This should cover the responses at stages 1 and 2 and any other relevant information. All concerned should receive any relevant documents including any witness statements taken (suitably anonymised) at least 5 working days prior to the meeting.

Meetings of this nature are confidential and, as a result, it is the responsibility of the chair of the panel to ensure that notes of the meeting are taken by a person other than a member of the school staff directly involved with the complaint, or by any member of the panel. Where schools have a SLA an officer attending on behalf of the LA will be present to offer support to the panel regarding policy and procedures.

The aim of the meeting should be to resolve the complaint. However, it has to be acknowledged that sometimes it may only be possible to establish facts and make recommendations, which may satisfy the parent that their complaint has been given due consideration.

The panel should remember that parents may have had little experience dealing with groups of people in formal situations and feel inhibited when speaking in such a setting. It is therefore recommended that the chair of the panel ensures the process and procedure are as comfortable and unimposing as possible.

Only in exceptional circumstances should any party introduce previously undisclosed information or witnesses. If this happens it may be in the interests of natural justice to adjourn the meeting so that all parties have time to consider and respond to any new information. The panel should also consider whether the additional material is appropriate to the case under consideration, and not relating to matters other than the parents original concern: **NB:- no new complaints should be raised.**

For more detailed guidance of the panel's proceedings please see Appendix 2.

The panel must ensure that a decision letter is produced and sent to the parent and headteacher within 15 working days of the meeting, stating the decision(s) of the panel and the basis on which the decisions were made. Parents must be advised that the complaints panel appeal is the final stage of the school's complaints procedure and, should they remain dissatisfied, they can forward their complaint to OfSTED, the Secretary of State or, the Local Government Ombudsman.

The school should ensure that copies of all correspondence and notes are kept on file in the school's records.

OfSTED

The Education and Inspections Act 2006 gives OfSTED powers to investigate certain types of complaints from parents about school. The types of complaints to which OfSTED can respond include:

- The school is not providing a good enough education
- The pupils are not achieving as much as they should, or their needs are not being met
- The school is not well led or managed, or is not using its resources efficiently
- The pupils' personal development and well-being are being neglected

OfSTED can require the school or local authority to provide information, or require the school to arrange a meeting of parents to seek their views. It can record parents' concerns for consideration during the school's next inspection. Where a complaint is considered serious, OfSTED can arrange an immediate inspection of the school but, are not in a position to judge how well the school investigated or responded to a complaint, or to mediate between a parent and a school to resolve a dispute.

Secretary of State: complaints relating to Curriculum, Sex Education and Religious Worship in maintained schools

From 1st August 2012 under section 45 of the [Education Act 2011](#) the duty on local authorities to consider complaints about the curriculum, sex education and religious worship in maintained schools will be removed and the Local Government Ombudsman's (LGO) schools complaints service will also close. Local authorities and the LGO will continue to be responsible for considering complaints about local authority services.

If a parent is not satisfied with the school's response and wishes to pursue a complaint because they feel the school has acted unreasonably in respect of the above areas, they should be advised to write to the Secretary of State who will follow up a complaint if they believe the school has either acted unreasonably or, failed to carry out a statutory duty.

This does not affect the current arrangements for schools in dealing with, and resolving general non-curricular parental complaints.

Local Government Ombudsman

There is no 'schools ombudsman'. The Local Government Ombudsman's current role is to look at any maladministration, or potential maladministration, on the local authority's part. This includes the way in which it handles complaints and its adherence to procedures relating to the LA's responsibility but it cannot consider matters about the internal management of schools unless these affect the child's / parent's rights established by legislation. The LGO website can be accessed at: <http://www.lgo.org.uk/>

Withdrawal of a Complaint

Parents can withdraw a complaint at any stage, preferably in writing.

Closing a Complaint

It is reasonable that complaints be considered to have lapsed if no response or contact has been received from the parent within the prescribed timescales of the complaint procedure. Where a complaint is not officially withdrawn but the parent has not been in contact or, fails to attend a complaint panel meeting with no apology or due cause, it will be within the jurisdiction of the complaints panel and / or the LA to decide whether they wish to proceed with the complaint. Guidance should be sought from the LA prior to any decision being taken.

Where the decision is taken to close the complaint, a letter should be sent from the school advising the parent forthwith.

Dealing with Difficult Complaints

Persistent and Vexatious complaints

If a conclusion has been reached about a complaint but the parent persists in pursuing it, the school will consider writing to the parent in order to:

- Provide a short response referring to previous documents that have already dealt with the matter.
- Reiterate that the matter is concluded and there will be no further correspondence
- Advise that, if correspondence continues, it will be read and filed but will receive no acknowledgement

In rare circumstances, even after the school has responded as above, parents may persist with the complaint. In this instance the school / LA may consider the complaint vexatious. Complaints become vexatious when they are:

- Repeatedly and obsessively pursued
- Unreasonable or seeking unrealistic outcomes
- Reasonable but pursued in an unreasonable manner, i.e., continually adding elements to previous concerns after the first aspects are addressed

The Head teacher may need to decide whether all future contacts should be directed to, and only be dealt with by a named individual, i.e., themselves, or restricted, for example, to letter only. In some cases letters may be referred to the LA. It is strongly recommended that, prior to taking any action against an individual, the school consults with the LA.

Abusive complaints

Verbal aggression can be as intimidating as physical aggression. All parties have a right to be treated courteously and with respect. If school staff feel threatened, they should report their fears to the Head teacher who should consider the appropriate action to take, such as:

- Writing to the parent requesting that the behaviour cease
- Setting restrictions for further contact with staff
- Reporting the incident to the LA.

If a telephone caller becomes aggressive or offensive, the person taking the call should explain that they will end the call if the behaviour persists. If they need to hang up, they should record this action and any further incidents.

Anonymous complaints

There is no duty on schools to take any action in respect of complaints received anonymously. Nevertheless, the Head teacher or chair of governors will need to consider whether:

- The issue and the fear of identification are genuine
- The issue is one of child protection
- The complaint, whilst anonymous, warrants investigation

If in doubt seek guidance from LA.

APPENDIX 1

Suggested Elements of a Schools' Published Complaints procedure

School statement: - Points to mention here might include:

- The school ethos - value of parent / school relationships
- Reasons for having a complaints procedure, for example, to encourage a shared approach and confidence in the school
- The importance of parents talking with a member of staff as soon as possible.
- Where parents can access the procedure (Including Council website)

The Informal stage: - (For example, how to share a concern)

- Who to contact, for example, class teacher (primary sector), form tutor / head of year (secondary sector)
- When to do this
- How to do this.

Stage 1: - (For example, what to do if the matter is not resolved through informal discussions)

- How to contact: the designated member of staff or, headteacher
- Whether this should be by telephone, in writing or other form
- What will happen next
- What timescale will be adhered to
- If the complaint is about the headteacher, then who to contact and how

Stage 2: - (For example, how to take the matter further)

- How to contact the chair of governors
- What will happen next
- What the chair of governors will do
- What timescale will be adhered to

Stage 3: - (For example, who to appeal to next)

- How to appeal to the governing body's complaints panel
- What the complaints panel is

- What will happen
- When the parents will know the outcome.

Finally:

- This is as far as the school's general complaints procedure goes
- Schools might consider whether to also mention further appeal to OfSTED, the Secretary of State or, Local Government Ombudsman.