

Park Hill School

Complaints Procedure

1. Introduction

All Schools are legally required to have a procedure in place to deal with complaints relating to the school. The Governing Body of Park Hill Primary School has approved the following procedure which explains what you should do if you have concerns or wish to make a complaint and how your complaint will be dealt with. At Park Hill Primary School, if at all possible, we aim to resolve concerns and complaints informally (usually by the staff directly concerned) without the need to invoke a formal referral and process. We hope that they will either be able to address the concern on the spot, or they will be able to arrange to discuss it further at a mutually convenient time. The Head Teacher and Chair of the Governing Board will not routinely be involved in resolving informal concerns but, in exceptional circumstances, appointments can be made with them by contacting the School. It will be for the Head Teacher and/or Chair of the Governing Board, to determine if the circumstances are exceptional and if it is therefore appropriate for them to become involved at the informal stage.

Any concern or complaint should be brought to the attention of the school at the earliest opportunity. Any matter raised more than 3 months after the event will only be considered in exceptional circumstances.

A concern or complaint from a member of the public who is not a parent or a guardian of a child attending the school should be referred directly to the Head teacher, unless the complaint is about the Head teacher in which case it should be referred to the Chair of Governors.

An unreasonable refusal by the complainant to attempt an informal resolution may result in the concern or complaint being taken no further.

An anonymous complaint cannot be dealt with unless there are exceptional circumstances.

Any concern or complaint will be dealt with in a way that:

- addresses all the points at issue
- provides an effective response,
- where necessary appropriate redress
- is open, transparent and constructive
- is prompt and fair.

This procedure applies to all concerns or complaints, except for those which relate to:

- School Admissions;
- Statutory Assessments of Special Educational Needs (SEN);
- Child Protection and Safeguarding procedures;
- Pupil exclusions;
- Staff grievances, capability or disciplinary procedures;
- Complaints about services provided from the School's premises by other organisations;
- Whistleblowing; or
- Subject Access Requests and Freedom of Information Requests.

You can access policies relating to the above matters on the School's website or ask for a copy from the School.

2. Observing Confidentiality

Where possible complaints will be dealt with confidentially and, where the Governing Board is involved, we will avoid sharing details of the complaint with the whole Governing Body except in very general terms. We would also ask you to observe confidentiality and not discuss complaints publically, or via social media.

The School maintains a centrally held record of formal complaint forms (see form 1a) and documentation referred to as part of the complaints process. You have a right to request copies in accordance with the School's policy on dealing with Data Protection Act and Freedom of Information Act requests.

3. Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the School is under a duty to report this immediately in accordance with the School's Safeguarding Policy which is available on the School's website.

4. Timescales

The School will endeavour to abide by timescales stated under each stage of the process below. Sometimes, due to the nature or complexity of the complaint, the School may need to set different timescales in which case you will be notified of the date that the School will respond and you will be kept informed of progress throughout.

The School will not investigate complaints that have been made more than three months after the event that led to the complaint, except in exceptional circumstances. If a complaint is received outside that time frame the Head Teacher or the Chair of the Governing Board will decide whether the circumstances warrant the complaint being investigated.

5. The Complaints Process

5. Submitting the Complaint

If you want to make a **formal complaint** you should complete and submit a formal complaints form (**Appendix A**).

All sections of the complaint form should be completed before it is returned to the School office. Receipt of the submitted complaint form will be acknowledged in writing within 10 School days (i.e. days which are not weekends, bank holidays or do not fall in the school holidays), and, will confirm the name of the person who will investigate your complaint.

If the complaint is about the Head Teacher it will be referred to the Chair of the Governing Board. If your complaint is regarding a member of the Governing Board then it will be referred to the Clerk to the Governing Board. In such cases the Clerk will seek advice before referring the complaint to an appropriate member of the Governing Body.

- A. Parents, carers or guardians wishing should, where possible, contact the member of staff concerned (which may be the headteacher) - by letter, telephone or in person.
- B. Whoever receives the complaint should direct the complainant to the member of staff concerned, or to the headteacher:
 - if the complainant wants an acknowledgement of the issue, and / or a resolution to a problem which is relatively straightforward, and / or the prevention of a recurrence, this is more likely to be suited by an informal process;
 - on the other hand, a formal process is required if the nature of the complaint is such that it requires (1) an investigation - rather than, or following, the appropriate person just "making enquiries about" or "looking into" an issue or the complaint - or (2), for the matter to be seen and recorded to have been dealt with.
- C. **A complaint should be acknowledged as soon as it is received.**
- D. If any member of staff receives a complaint, they should not attempt to deal with the issue but should pass it to the appropriate person. Similarly, if a member of staff feels too compromised to deal with the complaint, the matter should be referred to a more appropriate member of staff.
- E. Also, there will be occasions when the complainant may have concerns about discussing their complaint with a particular member of staff, if so, the complainant should be directed to address their concerns to the headteacher or a designated senior teacher.
- F. Please note: if the first approach is made direct to a governor they should direct the complainant to the appropriate person - usually the class teacher. Governors should not act unilaterally on an individual complaint outside the procedure - such action may compromise future action regarding the complaint.
- G. A concern or complaint will be acknowledged as soon as it is received and attempts to deal with it informally started as soon as practicable in timescales agreed by all parties. (It is recommended that, if at all possible, this starts within 5 working days of receiving the concern or complaint and is completed within 10 working days of starting.)

6. Investigating Complaints

At whatever stage, the person investigating the concern or complaint may contact you, and any other person that they consider necessary, in order to consider the issues raised in the complaint. He/she should:

should:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- 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;
- review any documentation provided in support of your complaint, and will review any other documentation that they consider relevant. It may be necessary for the person investigating to request further information or documents from you, or from others, before the investigation can continue.

Any person interviewed as part of an investigation is entitled to be accompanied by a friend or representative and / or a translator, and to agree any notes taken, particularly if the investigation is part of the formal process.

7. Complaint dealt with by staff member

- A. The class teacher or appropriate member of staff or headteacher will attempt to resolve the complaint using whatever reasonable means are appropriate. This will usually involve meeting the complainant to discuss the

matter further, and may also involve talking to pupils, other staff members or consulting senior staff including the headteacher.

- B. If having raised their concerns with the class teacher or appropriate member of staff, the complainant is still dissatisfied, or if the class teacher or other nominated member of staff is the subject of the complaint, then the complainant should contact the headteacher (unless the headteacher is the subject of the complaint - then the complainant should contact the Chair of Governors).

8. Complaint dealt with by head teacher

- A. The headteacher will attempt to resolve a complaint using whatever reasonable means are appropriate. This may involve meeting the complainant to discuss the matter further; it may also involve the headteacher interviewing staff members.
- B. The headteacher must be allowed reasonable time to investigate the complaint and gather any information that is required. On this basis, the headteacher should aim to be able to give either verbal or written feedback to the complainant no later than 10 school days after receipt of the complaint.
- C. On some occasions the headteacher may delegate the investigation to a senior member of staff, usually a deputy or assistant head teacher who has had no involvement with the case: the decision on the appropriate person rests with the headteacher.
- D. If having raised concerns with the headteacher, the complainant is still dissatisfied, or if the headteacher is the subject of the complaint, then the complainant should contact the Chair of Governors.

9. Complaint dealt with by governing body - formal complaints form (Appendix A).

- A. The Governing Body has responsibility for ensuring that any formal complaints are dealt with: **complaints must be in writing.**
- B. In cases that require urgent consideration the Chair may deal with the matter exclusively and without delay.
- C. Otherwise, the Chair of Governors should decide if a reasonable attempt has been made by the headteacher or other staff to address the concern or complaint
- D. If the Chair of Governors decides that the concern or complaint has been dealt with reasonably, then the complainant should be told that, **and** that their only grounds for appeal may be on the basis of the way in which their concern or complaint was handled (and not against the decision made).
- E. If the Chair of Governors decides that the concern or complaint may not have been dealt with reasonably, or that a formal appeal is appropriate, or if the headteacher is the subject of the concern or complaint, then a hearing by a Complaint Panel of the Governing Body should be arranged.
- F. The Chair will ensure that a designated panel of three or five governors will be convened to hear the complaint.
- G. Individual complaints would not be heard by the whole GB 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.
- H. The designated governors will deal with the complaint on an impartial basis via a **panel hearing.**
- I. It is important that any 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
- J. The clerk to the Governing Body will normally record the proceedings.
- K. The aim of the hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.
- L. The panel will:
 - a. Dismiss the complaint in whole or in part, or
 - b. Uphold the complaint in whole or in part, or
 - c. Where appropriate decide action to be taken to uphold the complaint, or
 - d. Recommend changes to the school systems or procedures to seek to ensure that problems of a similar nature do not recur.
- M. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour, and therefore it may only be possible to establish the facts and make recommendations which will satisfy the complainant that their complaint has been taken seriously.
- N. Following the hearing, the complainant will receive written feedback from the clerk including any decisions, recommendations and the reasons for them and, if appropriate, the next steps. The written feedback should be issued within ten working days after the investigation has concluded.
- O. The Chair of Governors is responsible for ensuring that the correct procedures have been followed.
- P. Of course, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed but that the complainant may take their complaint to the LEA. Their remit is to review due process, so there is no onus on them to re-open an investigation: they may only decide to do so if they judge that there has not been due process.

10. Resolving Complaints

- A. At whatever stage, the person dealing with the concern or complaint should endeavour to find a resolution, but obviously this will depend on the nature of the concern or complaint and what the complainant wants.
- B. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.
- C. Complainants should be encouraged to state what actions they feel might resolve the problem at any stage – though this should be on the understanding that it may not be possible or reasonable to deliver them.
- D. It may be appropriate and sufficient to acknowledge that the complaint is valid in whole or in part - an admission that the school could have handled the situation better is not the same as an admission of negligence.
- E. In addition, it may be appropriate to offer one or more of the following:
 - a. an expression of regret for any distress, etc.
 - b. an explanation;
 - c. an admission that the situation could have been handled differently or better;
 - d. an assurance that every effort will be made to ensure that the event complained of will not recur;
 - e. an explanation of the steps that have been taken to try to ensure that it will not happen again;
 - f. an undertaking to review school policies in light of the complaint.
- F. Use of the formal procedures means that all attempts at an informal resolution of the concern have failed; resolution will then depend upon any recommendations based on the judgements made from the evidence uncovered in the investigation.
- G. Of course, an investigation may find no evidence for the complaint or that the complaint is otherwise groundless.
- H. After considering the available evidence, the person who investigated your complaint will decide that either:
 - 1) The complaint is upheld, in which case they will decide upon the action that the School is willing to take to resolve the matter;
 - 2) That the complaint is not upheld; or
 - 3) That the complaint is partially upheld in which case they will decide upon the action that the School is willing to take resolve the upheld part of the complaint.
- I. You will receive either an update or notification of the decision and an explanation of the reasons for it in writing within 20 School days of the date of the letter which acknowledged receipt of your complaint form. Updates will explain why the investigation is still on-going (e.g. because further documents have been requested) and estimate when the investigation is expected to conclude. The written notification will also explain how you can request a review of the decision if you are dissatisfied with the response.

11. Reviewing the Decision

If you are dissatisfied with the decision made by the Head teacher or Chair of Governors after an investigation then you can ask for a Governing Board panel (the Panel) to review it by completing the review form at **Appendix B** and submitting it to Janet Robinson (Clerk of Governors)- c/o the School address, within 20 school days of the date of the decision letter. If you would like to ask for a review via another method, i.e. verbally or in person please contact the school office.

If you believe that the panel is likely to be biased during the review then you have the right to request that the panel members are independent of the Governing Board. Your request and the reasons for it will be considered, but the Governing Board does not have to agree to your request.

An acknowledgment of your review request will be sent within 5 School days informing you of the date and time that the Panel intends to review the complaint. The meeting will be held within 20 school days from the date of the acknowledgment letter.

The following parties will be invited to attend the review meeting:

- You, i.e. the complainant;
- the person/people who made the decision at stage 6B; and
- any other relevant parties identified by the Panel e.g. witnesses.

You are entitled to bring a friend or colleague to the review meeting. If the subject of the complaint is a member of staff then they will be invited to attend and can bring a friend or colleague. You should notify the Panel if you intend to bring someone to speak on your behalf.

The Panel does not usually consider it necessary for legal representatives to be present at the meeting. If you intend to bring a legal representative to any review meeting, you should notify the Panel at least 5 school days in advance of the meeting date,

as well as provide a clear explanation for why you believe a legal representative should attend. The Panel will consider and respond to your request, but has absolute discretion to refuse attendance by legal representatives if it considers this appropriate.

The Panel determines the procedure followed at the review meeting. In doing so it shall refer to the description of role and responsibilities of the Complainant, Clerk to the Panel, Chair of the Panel and Panel members as it is set out in the Department for Education (DfE) best practice advice for School Complaints Procedures.

The Panel will consider the relevant information and representations made before deciding whether the decision made at :

- 1) Is upheld, in which case they will decide upon the action that the School should take to resolve the matter;
- 2) Is not upheld; or
- 3) Is partially upheld in which case they will decide upon the action that the School should take to resolve the upheld part of the complaint.

The Clerk to the Panel will write to you and the School's Senior Management Team explaining the Panel's decision within 10 School days of the meeting.

This is the final stage in the School's internal complaints procedure. If the same issues are raised with the School following the Panel review, the School will only re-consider these points in exceptional circumstances, for example where new evidence has come to light.

The School follows the advice published by the DfE on dealing with serial and persistent complainants.

12. Escalating the complaint beyond the School

If, having completed the complaints process, you remain dissatisfied with the School's response you may wish to refer your complaint to:

- The Local Authority. Note that the Local Authority will only consider the process followed by the School in line with this published complaints procedure, and not the substance of the complaint or the reasonableness of the decision made by the School, unless it finds compelling reason to do so.
- The Secretary of State via the School Complaints Unit (SCU) of the DfE. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Board has acted unlawfully or unreasonably and where it is expedient or practical to do so.
- Ofsted, who can consider complaints about the School as a whole, but not complaints about individual pupils.

13. Vexatious Complaints

- A. There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.
- B. The complainant may take their complaint to the LEA **but**, there is no onus on the LEA to re-open an investigation, etc. if they are satisfied that the school has dealt with the complaint appropriately; their remit is to review due process.

14. Queries that relate to this Complaints Procedure

If you have any questions about this complaints procedure, please contact the School.

15. Relevant legislation and guidance

- The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

For Local Authority Maintained Schools:

- Best Practice advice for school complaints procedures <https://www.gov.uk/government/publications/school-complaints-procedures>
- Section 29 of the Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents> >

Signed

Chair of the Governors

Date:19/10/17

Review Date: 19/10/18

Park Hill Primary School Formal Complaint Form

Appendix A

If you wish to make a formal complaint please complete this form and return it to the school.

Your Name	
Your address	
Contact telephone day/mobile number	
Contact email address	
Name of pupil, year group and your relationship to them (where applicable)	
Details of the complaint (You need to provide an overview of the complaint so far, who has been involved, why the complaint remains unresolved).	
Action taken so far (including staff member who has dealt with it.) or solutions offered	

School and Governor Support Framework School Complaints Procedure

The reason that this was not a satisfactory resolution for you

What action would you like to be taken to resolve the problem?

Signed:

Date:

Please return this form to: enquiry@parkhill.bham.sch.uk

Official use

Date received:

Signed:

Date acknowledgement sent:

Complaint Referred to:

Date:

Park Hill Primary School Complaint Review Request Form

Appendix B

If you wish to request a review of the decision made in respect of your complaint please complete this form and return it to the school

Your Name	
Your address	
Contact telephone number/mobile number	
Contact email address	
When did you submit your formal complaint?	
Why are you dissatisfied by the decision made in respect of your complaint? <i>You may continue on a separate piece of paper or attach additional documents.</i>	

What actions would you like to be taken to resolve your complaint at this stage?

Signed:

Date:

Please return this form to: enquiry@parkhill.bham.sch.uk

Official use

Date received:

Signed:

Date acknowledgement sent:

Complaint Referred to:

Date:

Park Hill Primary School Formal Complaint Form

Appendix A

If you wish to make a formal complaint please complete this form and return it to the school.

Your Name	
Your address	
Contact telephone day/mobile number	
Contact email address	
Name of pupil, year group and your relationship to them (where applicable)	
Details of the complaint (You need to provide an overview of the complaint so far, who has been involved, why the complaint remains unresolved).	
Action taken so far (including staff member who has dealt with it.) or solutions offered	

The reason that this was not a satisfactory resolution for you

What action would you like to be taken to resolve the problem?

Signed:

Date:

Please return this form to: *(Insert School address and contact details)*

Official use

Date received:

Signed:

Date acknowledgement sent:

Complaint Referred to:

Date:

Park Hill Primary School Complaint Review Request Form

Appendix B

If you wish to request a review of the decision made in respect of your complaint please complete this form and return it to the school

Your Name	
Your address	
Contact telephone number/mobile number	
Contact email address	
When did you submit your formal complaint?	
Why are you dissatisfied by the decision made in respect of your complaint? <i>You may continue on a separate piece of paper or attach additional documents.</i>	

Continued overleaf)

What actions would you like to be taken to resolve your complaint at this stage?

Signed:

Date:

Please return this form to: (*Insert school address and contact details*)

Official use

Date received:

Signed:

Date acknowledgement sent:

Complaint Referred to:

Date: