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# BASTON CE PRIMARY SCHOOL COMPLAINTS PROCEDURE



# COMPLAINTS BY PARENTS - PROCEDURE

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## GUIDANCE for PARENTS:

### Introduction

In Baston C of E Primary School all staff are dedicated to giving all children the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents and believe that school and parents must work together in partnership, each carrying out our own particular responsibilities to help pupils gain the most from their time in school.

If you feel that something is not going quite as you would like it to, that we are doing something that you are unhappy with, or not doing something that you feel we should, please tell us about it.

- **The first step:**

Please arrange to discuss any concerns with your child's class teacher, or with the particular teacher concerned (including the Headteacher, should your concern be about the Headteacher). We hope that most problems can be sorted out this way.

- **The second step:** If, after speaking to your child's teacher, you do not feel that your complaint has been properly dealt with, or if your concern is about the conduct of a particular teacher, then you should discuss the matter with the Headteacher. In almost all cases we can sort things out satisfactorily in this way. If your concern relates to the Headteacher and is not resolved after the first step, please refer to "Taking matters further".

- **The third step:**

If you feel your concern remains unresolved, you should make a formal written complaint to the Headteacher, unless the complaint is about the conduct of the Headteacher in which case as previously advised you should refer to the section "Taking matters further". You should then receive a written response.

- **Taking matters further:**

If your complaint is about the conduct of the Headteacher, or if you are dissatisfied with the Headteacher's response to your formal letter of complaint, then you will need to contact the Governors. You should send written details of your complaint, with any correspondence and evidence to support your complaint, to the Clerk to the Governors at the school address. If, for some reason, you do not feel able to do so, you should contact the Clerk, via the school, who will record your complaint as a statement for you to sign. The Governors will investigate your complaint and write to advise you of the outcome. If your first language is not English, we will make every effort to support and assist, but it may be that a translator is required.

- **The final stage:**

The decision of the Governors is normally final; however, if you are dissatisfied with the Governors' response, you can take your complaint to a final stage, to an external body. If your complaint is about a school that is not an academy, you can contact the Local Government Ombudsman on 0300 0610614 or see their website at [www.lgo.org.uk/schools](http://www.lgo.org.uk/schools)

If the school is an academy, then complaints about Governors' decisions should be sent to the Secretary of State's Office, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT.

However, unless your complaint is about the Governors response, what you have said will have to be considered first by the governing body of the school.

### **Governors Complaints Procedure**

- If a parent is not satisfied with the response from the Headteacher regarding their complaint or if their complaint is about the Headteacher, then he/she is entitled to take their complaint to the Governing Body.
- All complaints to the Governing Body must be in writing and should include full details of the complaint, enclosing any supporting evidence. This should be sent to the Clerk to the Governors, care of the school. An acknowledgment of your complaint will be issued by the Clerk to Governors within 15 clear working days of receipt. The Clerk will then ensure the complaints process is started as soon as practicable (a complainant can request that the Clerk to the Governors write down the complaint on their behalf where writing a letter is difficult).
- A minimum of three Governors should be selected to form a complaints committee to investigate and consider the complaint, within 28 clear working days of the Clerk's letter of acknowledgement; it is recommended that the Chair of Governors is not on this committee. Those Governors chosen should ideally have no knowledge whatsoever of the details surrounding the complaint or of the complainant themselves.
- It is appreciated that this may not always be possible, particularly in some rural schools. However, the Governing Body should always try to find impartial Governors whenever possible.
- Once the complaints committee has been formed, they must then decide how they wish to investigate the complaint.
- The Governors effectively have two options available. They can choose to deal with the complaint by means of an oral hearing or through written representations, but in making their decision they must be sensitive to any needs the complainant has. The Local Authority advises that, wherever possible and appropriate, it should be through written representations.

### **Oral Hearing Procedure**

- If the Governors choose to have an oral hearing, the parent will be invited to attend a meeting where they will be able to put their complaint personally to the Governors. The Headteacher should also be present to respond to the complaint. Teachers should not attend. If their evidence is needed, it should either be obtained via the Headteacher, or where this is not appropriate, by a governor either before or after the meeting with the parent. The Governors will only make a decision about the complaint once they have heard the parent's and the school's evidence.
- The structure of such a meeting should be flexible. The complaints committee should have familiarised themselves with the written complaint before the meeting opens and will have an opportunity to ask any questions, as will the Headteacher. The complaint should then be responded to by the Headteacher with questions from both parties being

permitted. Each party can then be asked to summarise their position. Both parties will then leave to allow the Governors to make their decision in private.

- Either the complainant or the Headteacher will be entitled to bring a representative with them if they wish. Although it would not normally be necessary, either party may bring a legal representative if they wish. Either party intending to bring a representative would be expected to contact the Clerk to the Governors before the hearing to notify them.

### **Written Representations Procedure**

- If the complaints committee do not wish to hold an oral hearing, the investigation will proceed by way of written representations.
- Should the complaints committee choose to adopt this procedure, the Clerk to the Governors will write to the complainant, outlining the procedure.
- The complaint should be sent to the Clerk who will in turn forward to the Headteacher who will then have 7 clear working days in which to respond to the complaint, sending their response to the Clerk to the Governors
- That response will then, in turn, be sent to the complainant for comment, by the Clerk with any responses to be provided within 7 clear working days to the Clerk to the Governors.
- Finally, that response will be sent by the Clerk to the Governors to the Headteacher who has a further 7 clear working days in which to respond to the Clerk.
- The complaints committee will then be convened by the Clerk to the Governors and a copy of the complaints committee final response should be sent to the complainant with the advice that it is only for their information and that any further response from the parent will not be considered except in exceptional circumstances.
- For the avoidance of doubt, all communication should be through the Clerk to the Governors, neither party should send their response to the other directly.
- Regardless of which method is adopted, the complaints committee must take a robust approach and not simply endorse the decision of the Headteacher without any consideration of the evidence.
- The complaints committee must have all the necessary evidence they feel is necessary for them to make their decision. If they are not satisfied and require further evidence from either party, they should adjourn and request that information. The complaints committee should only make their decision if they are satisfied they have sufficient evidence with which to make a final decision.
- The decision of the complaints committee should be given to the complainant in writing within 5 clear working days of the decision. Providing the procedures as laid down in the complaints policy are followed then there is no right of appeal within the school following this decision. If necessary please refer to "The Final Stage".

- The decision letter should outline the nature of the complaint, the factors taken into consideration and the decision of the complaints committee. There is therefore no need for minutes to include any other information.
- Under the Data Protection Act, parents can request to have sight of all documents relating to their complaint, subject to restrictions as detailed in Section A06 of this handbook.

**It is important that the complaint and the investigation papers are not attached to the child's file as they do not relate to the child. However, schools may wish to keep a central register of complaints received.**

## **COMPLAINTS BY PARENTS**

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### **Reference Points**

- Apprenticeships, Skills, Children and Learning Act ("The Act") 2009 (Chapter 10, Part 2, sections 206-224)
- Education Act 2002 (Section 29)
- Support and advice available via **[www.governorline/info](http://www.governorline/info)**
- 'Complaints by Parents – Procedure' (see attached appendix)
- 'Dealing With and Reporting Racist Incidents – Guidance for School in Lincolnshire'

### **Contact Point**

Schools Liaison Officer (01522/782030)

### **Action Points**

All maintained schools and academies are required to have a procedure in place for dealing with complaints relating to the school and any community facilities or services that the school provide. The procedure must be published.

A 'School Complaints Procedure', once adopted by the Governing Body, should be recorded in the publication scheme and copies made available upon request.

- Governing Bodies should draw up a set of written rules (a policy) for dealing with complaints quickly and, as far as possible, locally.
- The existence of the policy should be notified to parents.
- The complaints procedure attached as an appendix, is offered as a suggestion only and Governing Bodies should amend it as they see fit so that it best suits the particular circumstances at their school. However, it does meet the DfES criteria, published in 2003.
- Where Governing Bodies are asked to respond to complaints they should ensure that individual complaints are referred to a complaints committee, or to the Chair of

Governors if it is necessary to follow the school's disciplinary procedure, and not raised at full Governing Body meetings.

- The Governing Body and the Headteacher should be advised of the outcome of the investigation into a complaint and of any recommendations made by the complaints committee arising from their investigations.
- No governor should deal with a complaint alone.

## **Baston C of E Primary School Complaints Policy Register**

Version Number	Review Date	Head Teachers Signature	Chair of Governors Signature	Date Agreed
Version 2 (2011-2012)	26.09.2012			06.02.2012
Version 1 (2012-2013)	26.09.2013			23.10.2012
Version 1 (2013-2014)	26.09.2014			10.09.2013
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Version 2 (2017-19)	04.05.19			04.05.17


**This policy has been reviewed and is underpinned by the beliefs and values of the declared Christian ethos of Baston C of E Primary School**

**FORMAL COMPLAINT TO GOVERNORS**

**This action should only be taken once the Headteacher has responded in writing to a formal complaint OR if the complaint is about the Headteacher. I have got a feeling that last time we looked at this policy we ditched this flow chart as it was not bringing anything useful to the procedure and was not particularly easy to follow. Does this ring a bell?**