



# Midsomer Norton Primary School

## Complaints Policy

### Introduction

Our School aims to work in partnership with parents in the best interests of the children. Any complaint will be given careful consideration and will be dealt with fairly and honestly.

We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

### Actions before making any complaint

This complaints procedure is not intended to replace the normal informal discussions that take place between parents/carers, staff and the Headteacher about problems and concerns as they arise. Most issues can and should be resolved through this dialogue. These concerns might include such matters as your child's work or progress, relations with staff, relations with other pupils including bullying, or your child's personal welfare.

The first point of contact regarding concerns is usually the class teacher. The table below provides a guide to help parents identify the most suitable staff member to deal with their initial concern.

<b>Nature of concern</b>	<b>Who to contact in first instance</b>	<b>How to raise concern</b>
<ul style="list-style-type: none"> <li>Child's academic progress; homework issues; marking; degree of challenge in work</li> </ul>	Class Teacher	Appointment after school / phone call
<ul style="list-style-type: none"> <li>Discipline; behaviour; rewards and sanctions</li> </ul>	Class Teacher	Appointment after school / phone call
<ul style="list-style-type: none"> <li>Friendship issues; concerns re bullying</li> </ul>	Class Teacher	Appointment after school / phone call
<ul style="list-style-type: none"> <li>Individual incidents/developing problems for child</li> </ul>	Class Teacher	Appointment after school / phone call
<ul style="list-style-type: none"> <li>Special Educational Needs, including assessment of a child's SEN</li> </ul>	Class Teacher	Appointment after school / phone call
<ul style="list-style-type: none"> <li>Health &amp; Safety issue of a general nature</li> </ul>	School Business Manager	Phone call or call in at office
<ul style="list-style-type: none"> <li>An issue of general school policy: e.g. term dates, an unauthorised absence request, a</li> </ul>	School Business Manager	Phone call or call in at office
<ul style="list-style-type: none"> <li>Concern re professional conduct of a member of staff, including the head teacher</li> </ul>	Head Teacher	To make an appointment, phone call or call in at office
<ul style="list-style-type: none"> <li>The school's curriculum, including religious education and worship</li> </ul>	Head Teacher	To make an appointment, phone call or call in at office
<ul style="list-style-type: none"> <li>The school's arrangements for assessment</li> </ul>	Head Teacher	To make an appointment, phone call or call in at office

When meeting with the teacher to raise your concerns please be patient, the teacher may need time to perform an investigation or put corrective measures in place and then determine their effectiveness. This informal stage may require several discussions to reach a conclusion satisfactory to all parties.

If you feel that a concern has not been resolved through discussions with the teacher or that it is of a sufficiently serious nature, then an appointment to discuss it with the Headteacher should be made. You should indicate that the appointment is regarding a complaint.

### **Referral of complaints**

The majority of formal complaints against the School will fall within the remit of the Head or Governors to consider. However, there are five categories of complaint which the Local Authority has responsibility for, and not the Governing Body:

- Admission to the school
- Statutory Assessment of special educational needs
- Exclusion of pupils from the school
- Child protection related issues or allegations of child abuse
- Any complaint about the conduct of the Governing Body in discharging their duties and with regard to proper governance and management of the school.

In any of these five categories, your complaint must be sent directly to the Local Authority. A list of contacts is given at the end of this policy (*Appendix 3*).

### **General principles regarding any complaint**

The following principles will apply to any complaint:

- The complaint will be handled with care and sensitivity.
- Confidentiality will be respected at all times
- Responses to any complaint will be prompt (timescale guidelines are detailed below)
- We will remain in communication with you during the investigation and you will be kept informed of timescales
- The handling of the complaint will be thorough and fair and address all the points at issue

Individual Governors cannot act unilaterally by investigating a complaint or making any prior judgement about it. The Governor can only refer you to the teacher, the Headteacher or the Chair of Governors as appropriate and in accordance with this policy.

It is important that the steps are followed in the complaints procedure. The Local Authority is unable to deal with complaints under the remit of this procedure and if there is escalation to the Secretary of State before the formal school procedures have been exhausted it will result in you being referred back to the school's procedure.

## **Timescale Guidelines**

Where it is not possible to respond to a complaint within the expected guidelines you will be informed in writing of the reason for the delay and given an anticipated response date.

### **Right to Respect**

It is the school's expectation that members of staff always act in the best interests of each child. Staff therefore have a right to be treated with courtesy and respect. While visitors, including parents, are encouraged to be open in their communications with the school, they are expected to communicate in a spirit of courtesy and respect, however strongly they may hold their views. The 'right to respect' encompasses a number of key principles described in **Appendix 1**.

### **Stage 1 (Informal) – Teacher**

Your concerns/complaint should be directed to the relevant staff member (usually the class teacher) unless they or the Headteacher are the subject of your complaint. ***Consideration of the issues should normally take two weeks.***

### **Stage 2 (Formal)**

If your complaint has not been solved through informal discussion, or is considered to be of a sufficiently serious nature, then it will be investigated through the formal stage of the policy i.e. Stage 2. This will either involve:

- (a) Investigation by the Headteacher (where the Headteacher is not part of or subject of the complaint). The Headteacher may delegate the investigation to another member of staff but not the decision on the action being taken. **Or**
- (b) Investigation by Governors (where the Headteacher is part of or subject of the complaint) i.e. Where the complaint involves the Head then the complaint can be referred to the Chair of Governors who will make the decision whether it should be investigated by two governors at this stage. Where the complaint is about the Chair of Governors then you should submit your complaint to the Clerk to the Governors.

You should set out your complaint in writing explaining:

- a) The precise nature of the complaint; and
- b) What you consider should be done to resolve the matter.

A form for submitting your complaint is attached to this Policy as *Appendix 2*. When we receive your complaint a letter of acknowledgement will be sent to you within 5 school days. We will arrange to meet with you to explore your complaint and what can be done to resolve your issues. You can be accompanied by a friend at this meeting. Notes will be taken of our discussion and you will receive a copy of these. Care will be taken in identifying an appropriate clerk. This will normally be the Clerk to the Governors, however it may be appropriate for a member of staff such as the school secretary to act in this capacity.

If you require any specific assistance in putting your complaint in writing or when asked to attend any meeting then please inform us so appropriate support can be put in place.

If we are unable to resolve your complaint at an initial meeting with you then the School may carry out an investigation of your complaint.

Please note that it may be necessary to suspend the complaints procedure in respect of a complaint which indicates that there may be a need for a disciplinary investigation in respect of a member of staff or that child protection procedures need to be followed. Advice from the Local Authority will be sought. In such circumstances you will be notified that the complaints procedure has been suspended and the likely timescale for its reactivation.

On completion of this Stage 2 investigation, when all relevant persons have been given the opportunity to give their response, we will send you a formal written outcome.

***Consideration and investigation of a complaint at stage 2 should normally take four to six weeks.***

### **Stage 3 (Formal) – Appeal to Governors**

You should write to the Chair of Governors if you consider your complaint remains unresolved through the earlier stages. You should do so, stating the grounds for your appeal, within 10 school days of receiving the outcome of the investigation at Stage 2.

When a formal complaint is received by the Chair of Governors, a letter of acknowledgement will be sent to you within 5 school days to confirm the appeal process.

Two or three Governors will be identified to consider your appeal and make a decision about it on behalf of the Governing Body. The Governors appointed will have had no previous involvement in the complaint or will have no conflict of interest.

The primary purpose of the appeal is to understand your continuing concerns and to consider the investigative process carried out at Stage 2 of this policy. Consideration will be given to the rigour and fairness of the process i.e.:

- Were you given the time and opportunity to clarify your complaint and explain the outcome you were looking for?
- Was the complaints policy applied appropriately in relation to your specific complaint?
- Did relevant interviews take place of those individuals involved in events to ensure a thorough understanding of all relevant issues?
- Was there a review of relevant school procedures and correspondence?
- Are conclusions and recommendations reasonable and do they flow from the evidence or facts arising from the investigation?

The Governors will be determining one of the following outcomes:

1. Confirmation of the conclusions at Stage 2 on the basis of evidence indicating a full and fair investigation and outcome.

2. Identification of some procedural anomalies but confirmation that the overall conclusion was sound.
3. Identification of significant flaws in the investigation process which might lead to alternative conclusions and proposed remedies.

The appeal process is not a hearing where all parties are present. This process is normally a review by the nominated Governors of the written evidence from the previous stages. There will only be a reinvestigation when the Governors consider there are major flaws in the previous process necessitating this action.

The decision reached by the Governors will be notified in writing to you and other relevant parties. *The timescale for the appeal process is normally two to three weeks from receipt of the appeal.*

#### **Stage 4 Appeal to The Secretary Of State**

If you have followed our complaints policy but still consider your complaint has not been appropriately resolved then you are able to take your complaint to the Secretary of State for Education.

Any appeal to the Secretary of State for Education should be addressed to:

The School Complaints Unit (SCU)  
Department for Education  
2<sup>nd</sup> Floor, Piccadilly Gate  
Manchester  
M1 2WD

The SCU will not consider an appeal unless the complaint has exhausted the local procedures. SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of the School.

If legislative or policy breaches are found, SCU will report them to us and to you and, where necessary, require remedial action to be taken.

#### **Monitoring and review**

The Governing Body will review this complaints policy on a regular basis. The School will log all formal complaints received by the school and will record how they were resolved. Governors will examine the complaints log on a regular basis and will consider the need for any changes to the complaints policy or other school procedures.

Agreed by: Full Governing Body

Date: 9<sup>th</sup> December 2015

Review: December 2017

### Right to Respect

It is the school's expectation that members of staff always act in the best interests of each child. Staff therefore have a right to be treated with courtesy and respect. While visitors, including parents, are encouraged to be open in their communications with the school, they are expected to communicate in a spirit of courtesy and respect, however strongly they may hold their views. It is acknowledged that visitors may not always agree with decisions taken by staff or may consider that the wrong course of action has been followed, in which case the visitor is invited to follow the school's procedure for raising concerns.

The 'right to respect' encompasses a number of key principles:

- The school operates within an ethos of respect and courtesy. This expectation applies to children, staff, governors, parents and all members of the school community.
- Members of staff can expect to be treated with courtesy and respect, free from intimidation, discrimination, aggression, insult or threat.
- Members of staff can expect always to be spoken to in moderate, temperate language.
- Any complaint about any aspect of the school's work or a member of staff's performance should be discussed in accordance with the policy for raising concerns in confidence, 'behind closed doors' and not publicly.
- It is reasonable to expect that no derogatory comment about the school or about any member of staff will be posted on any public website or social media.
- Where an allegation or accusation is made about or against any member of school staff, the complainant will be expected to adduce credible evidence in support of that accusation or allegation. Otherwise the complaint will not be investigated or upheld.

If any individual is considered to have infringed a staff member's right to respect, the matter will be taken up by the member of staff with the head teacher, who will consider the appropriate action to take.

- The head teacher will confer with the Chair of Governors about any situation in which a member of staff feels he/she has been subject to a breach of the right to respect.
- The head teacher may write to the visitor/parent to make clear the school's position on the right of staff to be treated with respect, inviting the individual to respond and produce evidence of the encounter/conversation.
- If the staff member's claim of an infringement is upheld by the head teacher, the head may elect to withdraw that person's presumed licence to be on the school premises, and may enforce this under the terms of Section 547(1) of the Education Act 1996:

*"Any person who without lawful authority is present on premises to which this section applies and causes or permits nuisance or disturbance to the annoyance of persons who lawfully use those premises (whether or not any such persons are present at the time) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale."*

- In rare circumstances, it may be necessary for the head teacher to call the police, if he/she believes that an assault or other crime may be committed.



**Resolution**

<b>What actions do you feel might resolve the problem at this stage?</b>
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**Evidence**

<b>If you are attaching any supporting paperwork, please give details:</b>
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<b>Signature</b>	
<b>Date</b>	

**For Official Use Only:**

Date complaint form received	
Date Acknowledgement sent	
By who	
Complaint referred to	

**Contact Details for complaints for which the Local Authority People and Communities Service has responsibility**

**Please note the addresses provided below are for postal purposes only. The Services themselves are located in the Civic Centre, Market Walk, Keynsham Bristol, BS31 1FS**

**Admission to the school**

Officer in charge, Admissions & Transport  
Admissions & Transport Unit  
People and Communities Department  
Bath & North East Somerset Council,  
Lewis House, Manvers Street  
BATH, BA1 1JG  
Tel. 01225 394312  
E Mail [Admissions\\_Transport@bathnes.gov.uk](mailto:Admissions_Transport@bathnes.gov.uk)

**Statutory Assessment of special educational needs**

Statutory Special Educational Needs Manager\*  
Statutory Special Educational Needs Service  
People and Communities Department  
Bath & North East Somerset Council,  
Lewis House, Manvers Street  
BATH, BA1 1JG  
Tel. 01225 394306

**Exclusion of pupils from the school**

Officer in Charge, Children Missing Education\*  
Children Missing Education Team Exclusion  
People and Communities Department  
Bath & North East Somerset Council,  
Lewis House, Manvers Street  
BATH, BA1 1JG  
Tel. 01225 394241  
[exclusions@bathnes.gov.uk](mailto:exclusions@bathnes.gov.uk)

**Child protection related issues or allegations of child abuse**

Head of Safeguarding Assurance and Quality  
Strategy and Commissioning\*  
People and Communities Department  
Bath & North East Somerset Council,  
Lewis House, Manvers Street  
BATH, BA1 1JG  
Tel 01225 396974

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**Any complaint about the action of the Governing Body**

Head of Governor Services  
Governor Services  
People and Communities Department  
Bath & North East Somerset Council,  
Lewis House, Manvers Street  
BATH, BA1 1JG

Tel 01225 395103

# COMPLAINTS PROCEDURE FLOW CHART

## Appendix 4

