

# **HOTHFEILD JUNIOR SCHOOL**

## **COMPLAINTS POLICY**

Last Review: November 2016

Next Review: November 2019

Hothfield Junior School

Hothfield Street

Silsden

Keighley BD20 0BB

## HOTHFIELD JUNIOR SCHOOL

### COMPLAINTS POLICY

#### **Aims**

1. To encourage dialogue between parents/guardians and staff to resolve complaints or concerns, directly and confidentially.
2. To ensure consistent good practice in dealing with complaints.

#### **Objectives**

1. To have a positive attitude to complaints, viewing them as a possible means to enhance the school for children, parents/guardians and staff.
2. This policy is open to parents/guardians by being publicised and easily available.
3. The policy will provide a clear and simple procedure that is user friendly and does not affect procedures covered by statutory legislation (i.e. religious education and worship, staff discipline, admissions, exclusions, special educational needs and curriculum).
4. There will be a quick response to an initial complaint, and the issue will then be dealt with within a reasonable time span.
5. Complainants have a choice of governors to contact.
6. The policy should be reviewed every 2 years.

#### **Definition**

For the purpose of this policy, a “complaint” can be defined as ‘an expression of dissatisfaction’ which can be regarding actions taken or a perceived lack of action.

Complaints can be resolved formally or informally dependent on the complainant’s choice.

A concern can be defined as ‘an expression of worry or doubt’ for which reassurance is sought.

Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

**NB.** For the purpose of this policy, “concerns” will be classed and addressed as complaints. Any further references to “complaints” will include “concerns”.

## **Making a complaint**

Hothfield Junior School will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised
- Simple to understand and put into practice
- Impartial and fair to all parties involved
- Respectful of confidentiality duties
- Continuously under improvement, using information gathered during the procedure to inform the school's senior management team
- Fairly investigated, by an independent person when necessary
- Used to address all issues in order to provide appropriate and effective responses where necessary

Complaints are expected to be made as soon as possible after an incident arises in order to amend address the issue within an appropriate timescale.

In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

Complaints should be made using the appropriate channels of communication, including the use of the [Complaints Procedure Form](#).

All complaints shall be considered whether made in person, by telephone, in writing or electronically via email.

A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.

Any complaint made against the Head Teacher shall be initially dealt with by the Chair of Governors.

Any complaint made against the Chair of Governors or any other member of the governing body should be made in writing to the clerk to the governing body.

## **Responsibilities of the Teaching Staff**

1. Teaching staff to listen to and attempt to resolve the matter. If this is not resolved suggest a visit to the Head Teacher.
2. Head Teacher to advise parents/guardians of action to be taken and inform them of the complaints policy and procedure.
3. Head Teacher to investigate the complaint thoroughly, documenting any discussions and resulting action.
4. To deal with the complaint in a professional manner.
5. To report back to parents.
6. To deal with the issues appropriately and in a reasonable length of time.
7. To view the Complaints Policy in a positive light, and as a way of resolving issues.

## **Responsibilities of Governors**

1. To provide a committee of named governors (Governing Body to decide) who offer a range of gender and background and are committed to the aims of and implementation of the complaints policy.
2. To undertake appropriate training wherever possible.
3. To listen to complaints fairly and with an open mind.
4. To check how the school's policies have been followed in any complaint.
5. To produce appropriate documentation and to report in a written form to all the relevant parties, respecting confidentiality.
6. To make recommendations, if it is shown that a school policy requires amending.
7. To ensure as far as possible that matters are dealt with as speedily as possible.
8. To deal with all people and issues in a confidential and professional way.

## **Responsibilities of Parents/Guardians**

1. Parents/Guardians should bring any complaints or concerns directly to the attention of the school in a private manner within three months of the action or matter occurring.
2. The complaint will be dealt with in accordance with the systems and policies of the schools, which the Governing Body has approved and the staff is implementing.
3. Parents/Guardians can expect an answer to their complaint within a reasonable length of time.

## **Complaints procedure**

### **Stage one** – Complaint made to a member of staff

The member of staff can discuss the complaint with the Head Teacher in order to seek support.

If the complaint concerns the Head Teacher, the deputy head teacher should be informed and will need to handle the complaint. The complainant can then be referred to the chair of the governing body.

In case a complaint is made initially to a governor, the complainant should be referred to the appropriate person. The governor in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

The complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

If an appropriate resolution cannot be sought at this level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

### **Stage two** – Complaint made to the Head Teacher

Stage two of the process will be completed **within 15 school days**. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Head Teacher will contact the complainant to inform them of the revised target date via a written notification.

An appointment with the Head Teacher should be made, as soon as reasonably practical, in order to avoid any possible worsening of the situation.

If the complaint is against the Head Teacher, the complainant will initially need to write, in confidence, to the chair of the governing body. The chair will seek to resolve the issue informally before moving directly to stage three of the procedure.

In terms of a complaint being made against a member of staff, the Head Teacher will discuss the issue with the staff member in question. Where necessary, the Head Teacher will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.

All discussions shall be recorded by the Head Teacher and findings and resolutions will be communicated to the complainant either verbally or in writing.

Once all facts are established, the Head Teacher shall contact the complainant in writing with an explanation of the decision.

Any further action Hothfield Junior School plans to take to resolve the issue will be explained to the complainant in writing.

If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

### **Stage three – Complaints Appeal Panel**

Following receipt of a stage two outcome, the complaint should be made in writing to the Chair of Governors **within 10 school days**.

Written acknowledgement of the complaint will be made within three school days. This will inform the complainant that a Complaints Appeal Panel will hear the complaint within 15 school days.

The Chair of Governors, or other nominated governor, will convene a governing body Complaints Appeal Panel comprising 3 members of the governing body.

If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent panel.

Hothfield Junior School will consider the request but ultimately the decision is made by the governing body.

Five school working days' notice will be given to all parties attending the Complaints Appeal Panel, including the complainant.

Prior to the hearing, the Chair of Governors will have written to the complainant informing them of how the review will be conducted. The Head Teacher will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.

The Complaints Appeal Panel will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.

The meeting should allow for:

The complainant to explain their complaint and the Head Teacher to explain the reasons for their decision.

The complainant to question the Head Teacher, and vice versa, about the complaint.

Any evidence, including witnesses who have been prior approved by the chair of the Complaints Appeal Panel, to be questioned.

Members of the Complaints Appeal Panel to question both the complainant and the Head Teacher.

Final statements to be made by both parties involved.

The complainant will receive a written response explaining the final outcome within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

### **Interviewing witnesses**

When interviewing children in order to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents/carers.

Hothfield Junior School will ensure that the conduction of interviews does not prejudice a Local Authority Designated Officer's (LADO), or police, investigation.

The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.

All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

The interviewee will sign a copy of the transcription of the interview.

### **Recording Complaints**

A complaint may be made in person, by telephone or in writing. If preferable the school Complaint Form (attached to this policy) can be used. At the end of any meeting or phone call the member of staff ensures that the school and parent have the same understanding of what was discussed and agreed. Brief notes are made and added to the record of the complaint.

### **Investigating Complaints**

At each stage the person investigating the complaint ensures that they:

- establish what has happened so far and who has been involved
- clarify the nature of the complaint and the nature of any unresolved issues
- meet with the parent or contact them where there is uncertainty or further information is required
- establish what the parent / carer feels would put things right
- interview those involved in the matter enabling them to be accompanied if they wish
- conduct the interview with an open mind and persist in questioning if necessary
- keep clear notes of any interviews

## **Resolving Complaints**

School staff and governors are committed to resolving complaints promptly and by informal means wherever possible. The Complaints Appeal Committee of the Governing Body deals with any complaint that has reached the formal stage.

The Complaints Appeal Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the school's systems or procedures to try and ensure that problems of a similar nature do not recur

Parents / carers are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not an admission of negligence.

In addition, areas of agreement between the parties are identified and any misunderstandings that might have occurred are clarified as this can create a positive atmosphere in which to discuss any outstanding issues.

The chair of the panel will notify all parties of the panel's decision in writing within 5 working days of the hearing and the outcome of the complaint will be reported to the Governing Body, with all names kept anonymous.

## **Role of the school complaints unit (SCU)**

If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State.

The Secretary of State will only intervene when they believe that the governing body has acted unlawfully or unreasonably.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.

When making a final decision about a complaint, the school reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

## **Complaints not covered by this procedure**

Complaints regarding the following topics should be directed to the LA:

Statutory assessments of Special Educational Needs and Disabilities

School re-organisation proposals

Matters which may require a Child Protection Investigation

Admissions to schools

Complaints concerning admissions will be directed to the appropriate admissions authority.

Complaints about children being excluded from the school should be dealt with by following the process explained at: <https://www.gov.uk/school-discipline-exclusions/exclusions>

Hothfield Junior School has an internal whistleblowing procedure for all employees and voluntary staff. Complaints of this nature should not be addressed using this complaints procedure. These concerns can be directed to Ofsted by telephone on: 0300 123 3155 or via email at: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

Staff grievances and disciplinary procedures will be dealt with using Hothfield Junior School's internal grievance procedure. In these cases, complainants will not be informed of the outcome of any investigations.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.

### **Exceptional circumstances**

If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care and/or to the LA.

If a social services authority decides to investigate a situation, the Head Teacher or governing body may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of special educational needs, and decisions to permanently exclude a child.

**HOTHFIELD JUNIOR SCHOOL**  
**ANONYMOUS COMPLAINTS PROCEDURE**

The Governing Body is required to establish procedures to handle complaints relating to School. This procedure is separate to the normal Complaints process and should only be applied in exceptional circumstances when a complainant wishes to remain anonymous or the identity of the complainant is unknown.

**The Stages:**

1. When an anonymous complaint is received it will be forwarded to the Chair of Governing Body (or the vice chair in the absence of the chair).
2. The Chair will then consider the complaint and pursue an investigation at his/her discretion. This will be informed by the following considerations:
  - The likelihood of obtaining the necessary information to resolve the complaint
  - The seriousness of the issues raised
  - The specific nature of the complaint
3. The Chair will discuss the matter with the Head Teacher and inform the Complaints Committee who will consider the complaint. The outcome will be reported to the Governing Body.

NB. These arrangements should not be applied in situations where the complaint received contains allegations that a child is being harmed or abused or is at risk of harm or abuse. In these circumstances the locally agreed Child Protection procedures will apply.

## Complaints Procedure Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Head Teacher. (If your complaint is against the Head Teacher, you will need to send the form to the chair of the governing body.)

Name:	Address:
Pupil's name:	
Pupil's date of birth:	
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your complaint concerning, and what action would you like the Head Teacher to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date:

