



# **Complaints & Procedure Policy 2016**

**Review due 2019**

At this school there is equality in access to the curriculum for every child. No child will be prejudiced against for this subject regardless of nationality, race, gender, religion or sexual orientation. We have reviewed this policy and can confirm that we believe that no individual or group is disadvantaged by the processes outlined. We do acknowledge that our policy is in English and should a family whose main language is other than English, become part of safeguarding processes we will make sure their language needs are conveyed to social care and hold social care to account in providing translation and support services as needed.

This policy has been reviewed and no individual or group in the school community is disadvantaged by the policy and processes. We do acknowledge that this policy is in English and we have families that are speakers of other languages. Should these families be part of child protection processes we will, supported by other multi-agency partners involved, ensure that language is not a barrier to clear access to this policy and the processes that may ensue.

# The R J Mitchell Primary

## Complaints Policy

This policy and procedure is for the benefit of pupils and parents of pupils at The RJ Mitchell Primary School Primary School. This policy and procedure will be relied upon in respect of all complaints by parents and pupils made against the school except in respect of;

- (a) **child protection allegations** where a separate policy and procedure applies; and
- (b) **exclusions** where a separate policy and procedure applies;
- (c) **appeals relating to internal assessment decisions for external qualifications** where a separate appeals procedure applies.

We expect most concerns can be resolved informally and we will endeavour to resolve any complaints that are made informally, or any concerns that are raised, on that basis.

If informal procedures fail to resolve the issue, a formal complaint about any matter not involving child protection allegations, internal assessment decisions or a decision to exclude a pupil, must be given verbally or in writing to the Head teacher and will be dealt with under this Complaints Policy and Procedure.

Every complaint shall receive fair and proper consideration and a timely response. Please refer to the following guidelines for the specific timescales. We will do all we can to resolve concerns and to ensure parents are happy with the education their child receives at The RJ Mitchell Primary School. Parents can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously and confidentially.

Correspondence, statements and records will remain confidential except in so far as is required by paragraph 6(2)(j) of the Education (Independent Schools Standards) Regulations 2003; where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.

### **Complaints Procedure**

Our Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;

- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the RJ Mitchell Primary School's Senior Leadership Team (SLT) so that services can be improved.

The school will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

### **STAGE ONE – Informal Resolution**

1. It is hoped that most complaints and concerns will be resolved quickly and informally.
2. If parents have a complaint they should normally contact their child's Class Teacher. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Class Teacher cannot resolve the matter alone, it may be necessary for him/her to consult the Year Group Leader/Assistant Head teacher/Head teacher as appropriate to the school.
3. Complaints made directly to the Head teacher will usually be referred to the relevant Class Teacher unless the Head teacher deems it appropriate for him/her to deal with the matter personally.
4. The school will use its reasonable endeavours to resolve any informal complaints within ten working days of them being raised, except where they are raised in school holidays or within two working days of their commencement, where the school will use its reasonable endeavours to resolve them as soon as possible after commencement of the new term (usually within ten working days).
5. Should the matter not be resolved as referred to above, or in the event that the Class Teacher and the parents fail to reach a satisfactory resolution, then parents will be advised to proceed with their complaint in accordance with Stage Two of this procedure.

## **STAGE TWO – Formal Resolution**

1. If the complaint cannot be resolved on an informal basis, then parents should put their complaint in writing to the Head teacher. Parents should also identify how they wish their complaint to be resolved.
2. The Head teacher will delegate responsibility for undertaking investigation of the complaint to a member of senior staff where appropriate, or will deal with the matter personally.
3. The Head teacher will decide, after considering the complaint, the appropriate course of action to take.
4. In most cases, the Head teacher will meet or speak with the parents concerned to discuss the matter. If possible, a resolution will be reached at this stage.
5. The Head teacher will use reasonable endeavours to speak to or meet parents within ten working days of the formal complaint being received, except where the complaint is received in school holidays or within two working days of their commencement, where the Head teacher will use his/her reasonable endeavours to speak or meet with parents as soon as possible after the commencement of the new term (usually within ten working days).
6. It may be necessary for a member of SLT to conduct further investigations.
7. The Head teacher will keep a written record of all meetings and interviews held in relation to the complaint.
8. Once the Head teacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Parents will be informed of this decision in writing, giving reasons for the decision. The written decision should be provided no later than ten working days after speaking or meeting with parents to discuss the matter. The Head teacher may also arrange to meet with parents to explain the decision.
9. The school will keep a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint and the decision. These records will be kept in the child's White Record Folder which will be passed onto their next school when they leave.
10. Where parents are dissatisfied with the outcome of the school's response to their formal complaint, parents have the opportunity to have their complaint considered by an independent Complaints Panel.

### **STAGE THREE – Panel Hearing**

1. If parents seek to invoke Stage Three following failure to reach an earlier resolution and where dissatisfied with the Head teacher's decision in respect of their formal complaint, the parents may, in writing addressed to the Chair of Governors, request that their complaint be further considered by an independent Complaints Panel set up for this purpose.
2. This request for further assessment of the complaint will, for the purposes of this Procedure, be known as an 'appeal'.
3. Parents must lodge their appeal in writing and within ten working days of the date of the school's decision made in accordance with the Stage Two Procedure. The parents should provide a list of their complaint(s) made against the Trust and which they believe to have been resolved unsatisfactorily by the Stage Two Procedure, along with the remedies sought in respect of each.
4. The Complaints Panel is only obliged to consider the complaint(s) lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.
5. Where an appeal is received by Chair of Governors, he/she will refer it without delay to the school. The school will, within five working days, refer the matter to the Clerk to the Board of Directors who will act as Clerk to the Complaints Panel. Where the appeal is received by the school during school holidays, or within two working days of their commencement, the school has five working days upon commencement of the school term to refer the matter to the Clerk.
6. The Clerk provides an independent source of advice on procedure for all parties.
7. Once an appeal has been received by the Clerk, he/she will acknowledge the appeal in writing within five working days, and inform the parents of the steps involved in this Complaints Procedure.
8. The Clerk will then endeavour to convene an independent Complaints Panel hearing as soon as possible to consider the matter, normally no later than twenty school days after receipt by the school of parents' written notice that they wish to invoke the Stage Three Procedure, dependent upon the availability of the Panel members.
9. The independent Complaints Panel will consist of the relevant school Chair of Governors, a member of the Board who has not previously been involved in the complaint, and one person independent of the management and running of the school. The process used for selecting an independent person will conform to any relevant guidance issued by the Department for Education (DfE).

10. The following are entitled to attend a hearing, submit written representations and address the Panel:

- (a) The parent/s) and/or one representative;
- (b) The relevant Head teacher and/or one representative; and
- (c) Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making. Legal representation will not normally be appropriate.

11. Where the Complaints Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Panel in support of their position, including:

- (a) documents in support of complaint(s),
- (b) chronology and key dates relating to complaint(s), and
- (c) written submission setting out the complaint(s) in more detail.

This evidence will be considered by the Panel, along with the initial submission that was lodged by the parents.

- 12. Evidence will be initially sent to the Clerk, who will then circulate the documentation to all parties, including the Panel members, along with an order of proceedings. All written evidence must be received by the Clerk no later than ten working days in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than five working days in advance of the Panel hearing.
- 13. It is for the Panel to decide how to conduct the proceedings of the appeal, which should be reasonably informal so that all parties can present their case effectively. If possible, the Panel will resolve the parents' complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.
- 14. After due consideration of all the facts they consider relevant, the Panel will reach a decision, and may make recommendations, which it shall complete within ten working days of the hearing. The decision reached by the Complaints Panel is final.
- 15. Any decision reached that may have financial implications for the school will need the appropriate approval from the relevant authorities e.g. the Board of Directors, although any such approval must be compatible with the decision of the Complaints Panel.
- 16. The Panel's findings will be sent by the Clerk in writing to the parents, the Head teacher, the school Governors and, where relevant, the person complained of. The letter will state any reasons for the decision reached and recommendations made by the Complaints Panel.
- 17. The school will keep a record of all appeals, decisions and recommendations of the Complaints Panel in the child's White Record Folder which will be passed onto their next school when they leave.

# The R J Mitchell Primary School Complaints Flowchart Summary



**Complaint received by staff member**  
To be resolved within 10 working days

**Issue resolved**  
No further action required

**Issue not resolved**  
Reported to Head teacher in writing

**Complaint received by Head teacher**  
Acknowledge receipt of complaint and hold meeting (if necessary) within 10 working days

**Issue resolved**  
No further action required

**Issue not resolved**  
Appeal lodged within 10 working days of receipt

**Complaint appeal received**  
Clerk issues letter to parents in 5 working days  
Appeal meeting convened within 20 working days of receipt