

Pegswood Primary School



Complaints Policy October 2018

Created by: TRC Limited & A Waterfield

Date: September 2018

Approved by Governors: *D. Aden*

Date: 16.10.18

Headteacher: *[Signature]*

Date: 11.10.18

Review Date: September 2021

Complaints

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- Local Government Act 1974
- Local Government Act 1988
- Education Act 1996
- Data Protection Act 2018
- School Standards and Framework Act 1998
- Freedom of Information Act 2000
- Education Act 2002
- Education Act 2005
- Education and Skills Act 2008
- Apprenticeship, Skills, Children and Learning Act 2009
- Children, Schools and Families Act 2010
- Education (Admissions Appeals Arrangements) (England) (Amendment) Regulations 2008
- Education (Independent Schools Standards) Regulations 2010
- Equality Act 2010
- Education (non-maintained Special Schools) Regulations 2011
- School Admissions (Appeals Arrangements) (England) Regulations 2012

The following documentation is also related to this policy:

- Complaints About Ofsted: Raising Concerns and Making a Complaint about Ofsted (Ofsted)
- School Admission Appeals Code (DfE)
- Equality Act 2010: Advice for Schools (DfE)
- Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)

We are aware that the General Data Protection Regulations (GDPR) has entirely replaced the previous Data Protection Act (DPA) making changes to many existing data protection rules and regulations that schools, academies and other educational establishments adhered to under the DPA. The principal aim of the GDPR is to strengthen and unify the safety and security of all data held within an organisation.

We believe that this school provides an excellent education and that the Headteacher and school personnel work very hard to build positive relationships and have in place clear lines of communication with all parents and others. In so doing complaints are kept to a minimum.

However, we are aware that under section 29 of the Education Act 2002 we must have in place clear procedures to deal with any complaint made against the school or individuals connected with it. We take any complaint seriously and we deal with them professionally following set procedures.

We believe complaints need to be resolved as quickly as possible but in some cases we need to establish whether the issue brought to our attention is a complaint or an

actual concern. In such cases 'many issues can be resolved informally without the need to invoke formal procedures'.

We agree with the definition that a concern is 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought.' While a complaint is best defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. By making this distinction between a concern and a complaint and taking all informal concerns seriously the number of concerns should be reduced before developing into formal complaints.

We must be aware that besides parents/carers of children who are registered at this school any member of the general public can make a complaint about 'any provision of facilities or services' that we provide at this school.

We are aware that under the Education Act 1996 parents have the right to complain directly to the local authority about any matter relating to the school's curriculum, any issue relating to the general education that we provide.

We have a duty to inform parents and the general public who may wish to make a complaint against an organisation using school facilities that they must lodge their complaint with that organisation and not the school.

We have a duty to publish the complaints policy on the school website with hard copies available from the school office.

We understand that a complaint may be made in writing, by telephone or in person. However, we will endeavour to accommodate those complainants who may be disabled or have learning difficulties by having in place alternative methods of registering a complaint.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that are connected with this policy.

Aims

- To deal with any complaint against the school or any individual connected with it by following the correct procedures.
- To deal with all complaints thoroughly and by being open, honest and fair when dealing with the complainant.
- To differentiate between a concern and a complaint.
- To ensure compliance with all relevant legislation connected to this policy.
- To work with other schools and the local authority to share good practice in order to improve this policy.

Responsibility for the Policy and Procedure

Role of the Governing Body

The Governing Body has:

- a duty to have in place a complaints procedure;
- responsibility to ensure that the complaints procedure complies with their obligation under the Equality Act 2010;
- delegated powers and responsibilities to the Headteacher to ensure all school personnel and visitors to the school are aware of and comply with this policy;
- responsibility to deal with any complaint made against the Headteacher;
- responsibility not to share complaints with the whole governing body in case an appeals panel has to convene;
- responsibility to arrange for an independent panel to hear a complaint if the whole governing body have been 'contaminated' by having full knowledge of the complaint;
- responsibility of annually discussing the concerns/complaints log with the Headteacher;
- responsibility of taking into account any local or national decisions that affect the complaints process, and will make any modifications necessary to this policy;
- responsibility for ensuring that the complaints procedure is publicised on the school website, is concise, simple to understand and impartial;
- responsibility for ensuring that the school complies with all equalities legislation;
- nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- make effective use of relevant research and information to improve this policy;
- responsibility for the effective implementation, monitoring and evaluation of this policy.

Role of the Headteacher

The Headteacher will:

- deal with all complaints impartially and in a non-adversarial manner;
- keep the complainant fully updated at all stages of the complaints procedure;
- keep records;
- not share third party information;
- seek an interpreter if the need arises;
- refer any complaint made against him/her to the Chair of Governors;
- ensure full and fair investigations are undertaken by an independent person where necessary;
- ensure confidentiality at all times;
- ensure all complaints are resolved as quickly as possible within realistic time limits;
- log all complaints received by the school and records how they were resolved;
- discuss the complaints log every year with the Governing Body;
- monitor and review complaints to see how they can contribute to school improvement;
- ensure all school personnel, pupils and parents are aware of and comply with this policy;
- work closely with the link governors;

- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- make effective use of relevant research and information to improve this policy;
- monitor the effectiveness of this policy by speaking with school personnel, parents and governors;
- annually report to the Governing Body on the success and development of this policy.

Role of the Complainant

We ask the complainant to:

- cooperate with school to find a solution to the complaint as quickly as possible;
- provide enough information as possible;
- be respectful to everyone involved in the complaint procedure.

Complaint Procedures

Stage 1 (Informal Stage)

- Complainant has an informal discussion with the person closely involved with the complainants cause for concern or with the Headteacher direct.
- If after the discussion the matter is not resolved or if the complainant is not happy with the way that it has been handled then the process moves to the next stage.
- However, every effort should be made to resolve the matter at this stage.

Stage 2 (Formal Stage)

- Once a formal written complaint is received from the complainant then the Headteacher will undertake an investigation and reply in writing to the complainant within 15 working days.
- However, if the complainant is not satisfied with the outcome then the complainant should move to the next stage.
- If a formal written complaint is received about the Headteacher from the complainant then the complaint must be sent to the clerk to the governors complaints appeal panel with a written reply being sent to the complainant within 15 working days.
- If the complainant is not satisfied with the outcome then the complainant should move to the next stage.

Stage 3 (Formal Stage)

- The complainant writes formally to the clerk to the governors complaints appeal panel outlining the reasons why he/she is not happy with the outcomes of the Headteacher's investigation.
- The complainant requests that an appeals panel reviews the complaint.
- An appeals panel meets within 12 to 20 working days after receipt of the complainants letter.
- The complainant may request an investigation by the LA if they feel that that the review has not been handled fairly or if it has not been conducted in accordance with the school's complaints procedures.

Formal Complaint to a Local Authority

- Once a request has been received then the Local Authority complaints officer will only investigate whether the school has followed correct procedures in dealing with complaints but will not investigate the complainant's original complaint.
- After the investigation the complaints officer will write formerly to the complainant.
- If the result is that the school did not follow correct procedures then the complaint will be referred back to the chair of the governing body.
- If the result is that the school dealt with the complaint correctly then the Local Authority cannot make the school change its decision.
- The complainant may now wish to lodge an appeal with the Secretary of State for Education or with the Local Government Ombudsman.

Complaints regarding the Curriculum and General Educational Provision

All curriculum and general educational provision complaints will be dealt with by the Local Authority in line with their set complaints procedures.

Raising Awareness of this Policy

We will raise awareness of this policy via:

- the school website
- meetings with school personnel

Training

All school personnel:

- have equal chances of training, career development and promotion
- receive training on induction which specifically covers:
 - ☐ All aspects of this policy
 - ☐ Communication
 - ☐ Community Links
 - ☐ School Website
 - ☐ Home-School Agreement
 - ☐ Equal opportunities
 - ☐ Inclusion
- receive periodic training so that they are kept up to date with new information
- receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications.

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Monitoring the Implementation and Effectiveness of the Policy

The practical application of this policy will be reviewed every three years or when the need arises by the Headteacher and the nominated governors.

Linked Policies

- Home-School Agreement
- School Website

Version	Reason for Amendments/Update/Review	Date of Adoption by Pegswood primary school	Date of next review
1.0	New policy and procedure provided by TRC Limited.		
2.0	Amended to reflect Pegswood Primary School .	Oct 2018	Oct 2021