



# Complaints Procedure

# Complaints' Procedure

<b>Summary:</b>	At Folkestone St. Mary's Church of England Primary Academy, we endeavour to provide the highest quality all round service to the children and community. If we fall short of the standards we set we welcome complaints as a means to ensure we review our procedures and where relevant learn from our mistakes so as to improve what we offer.
<b>Policy Owner:</b>	Head Teacher
<b>Committee Responsible for Review:</b>	The Policy Review Committee
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# Complaints Procedures for Parents

## Introduction

All academies have a duty to have a complaints procedure for parents and to publicise it to parents and pupils. If complaints are made by other persons outside of this category, neighbours or past parents for example, all reasonable and proportionate effort will be made to address their concerns informally and when appropriate advise them of other avenues for dealing with the matter that they have raised.

At Folkestone St. Mary's Church of England Primary Academy, we endeavour to provide the highest quality all round service to the children and community. If we fall short of the standards we set, we welcome complaints as a means to ensure we review our procedures and where relevant, learn from our mistakes so as to improve what we offer.

This document sets out guidance for the handling of complaints in academies which Folkestone St. Mary's Church of England Primary Academy has adopted to establish its procedures for effectively managing complaints by parents. It aims to ensure all staff and the wider public understand our procedures and are properly prepared and assisted. The Academy has adopted the complaints procedure listed at the end of this paper and in the event of a complaint, the complainee should be provided with a copy of Appendix B which summarises the procedure.

Complaints procedures cannot be used for appeals and referrals that fall under other procedures and legislation and which are covered by other guidance, including:

- Admissions
- Exclusions
- Special Educational Needs
- Staff Grievances
- Child Protection
- Whistleblowing

## Extended Services

The Governing Body ensures that any third party providers offering community services or facilities on the school premises or using school facilities for any purpose have their own complaints procedures in place.

**It is the policy of Folkestone St. Mary's Primary Academy to give due regard to the following guidance:-**

### 1. Publicity

Parents and pupils should always know how they can raise concerns or lodge a formal complaint. Complaints procedures should be easily accessible and well publicised.

A summary of how the school deals with complaints should be included in the information that is given to new parents when their children join the school. Schools should also prepare leaflets for parents explaining how problems are dealt with and how the complaints procedures work.

Schools should consider whether they need to make the procedures available in languages other than English and whether audio-cassette, Braille or large-print versions are necessary.

At regular intervals, parents should be reminded of the system.

### 2. Procedures should be as speedy as possible - consistent and fair to all concerned

Each stage of the procedure should have known time limits. Where it is not possible to meet these, the complainant should be kept informed of progress.

### **3. Support for Complainant**

It is important that parents know that at any stage of the procedure they can be accompanied by a friend, relative or representative and to know where they can go for information, advice and advocacy, if required.

### **4. Support for Staff**

Staff complained about must be treated fairly. They should have the opportunity to put their case and receive appropriate support; a colleague may accompany them at any stage but it would not be appropriate to involve someone from outside the school from whom confidential pupil information should be withheld. There is a crucial balance to be maintained between supporting the individual so that his/her rights are maintained and reputation protected and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this will need to be made clear to all concerned. However, there may be occasions where a complaint leads to a disciplinary procedure which puts the complaints process on hold. If so, the complainant should be informed of this, without going into details, and updated regularly on likely further delay. After the disciplinary process is completed, it will be necessary to decide what further response to the complainant is required.

### **5. Confidentiality**

It is very important to treat all concerns and complaints with discretion. It is vital that parents feel confident that their complaint will not penalise their child. However, a complainant will need to be aware that some information will have to be shared with those involved in order that the complaint can be investigated.

### **6. Anonymous Complaints**

Anonymous complaints should not be automatically disregarded. They may relate to a serious issue which may subsequently resurface. It should be at the discretion of the Head Teacher or at the Governing Body's discretion as to whether the gravity of an anonymous complaint warrants an investigation. A copy of every anonymous complaint and note of the decision should be retained on file.

### **7. Remedy**

If the outcome of the complaints' procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is upheld together with an appropriate apology. It may be appropriate to offer one or more of: an explanation, a promise that the event complained of will not recur, an undertaking to review school policies or practices in the light of the complaint, or, in appropriate circumstances, financial redress. Fear of litigation should not prevent a school from admitting to parents when mistakes have been made, but it is recommended that advice be sought if the complainant threatens legal action.

### **8. Staff Awareness and Training**

All staff should be aware of the procedures, as potentially many will be involved with handling complaints, especially at the informal level. To be confident in doing so depends on them having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in dealing with people who are upset or angry. All staff should also have clear information about individual staff roles and responsibilities so that parents do not get continually passed from one to another.

### **9. Record Keeping**

Complaints should be recorded and monitored regularly by staff and Governors. It is recommended that recording should begin at the point when an initial concern or complaint cannot be resolved immediately but needs some investigation and/or consultation with others in school and a subsequent report back to the parent.

Recording at the earliest stage need only be a very basic record of the complaint, giving the date, name of parent and general nature of the complaint. A pro-forma or a "comments and complaints" book could be used. Whatever system is used, it should be consistent and understood by the staff and records retained with due regard for confidentiality.

## **A Staged Approach**

There should be stages to the formal complaints' procedure.

### **The First Contact**

There needs to be clarity as to the difference between a concern and a complaint. Taking informal concerns seriously at an early stage and addressing them promptly will reduce the numbers that develop into formal complaints. There are many occasions where concerns are resolved straight away through the Class Teacher, Head Teacher, or administrative staff, depending on who is approached first. Parents must feel able to raise concerns with members of staff without formality, either in person, over the telephone or in writing. On occasion, it may be appropriate for someone to act on behalf of a parent and this must be taken into consideration.

It may be unclear at first whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further. Ultimately, parents have a statutory right to complain and if they wish an issue to be handled as a complaint, then this is the approach that has to be taken. Staff views as to the seriousness of the issue should not be a deciding factor. Where there is uncertainty, the parent should be asked if they want the issue treated as a formal complaint.

### **Stage 1: Referral to the Head Teacher**

Once it is clear that the concern is a definite complaint it should be investigated according to the Complaints Procedure attached at Appendix A to ensure consistency and to make sure that nothing happens which could make it difficult for later stages to proceed smoothly.

In some cases, the Head Teacher may already have been involved in looking at the matter; in other cases it may be his/her first involvement. It may be appropriate to delegate the investigation at this stage to another member of staff. What is important is that a staged procedure exists which reassures complainants that their complaint will be heard by more than one person and that the Head Teacher ensures that their involvement will not predominate at every stage.

It should be noted that in some cases the Head Teacher will have been involved in the matter informally or the complaint may be against them, in which case Stage 1 should be carried out by the Chair of Governors. In other cases, the Head Teacher is advised to become involved in complaints at Stage 1.

### **Stage 2: Review by a Complaints' Panel**

Most complaints are resolved at the first stage but it is important that there is a robust mechanism at the second stage and that Governing Bodies are well prepared to deal with them. KCC Governor Services provide appropriate training for Chairs and Clerks.

It is important that this review is not only independent and impartial but that it is seen to be so. Complaints should always be considered by a panel of a least 3 people. At St. Mary's, this panel will consist of two Governors of the Academy with no previous knowledge of the problem which led to the complaint who are thus able to give fair, unbiased consideration to the issue. The third member of the panel must be independent of the management of the school and this person will usually be a Governor of another local school or academy.

The panel hearing should not be adversarial but should aim to provide a non-threatening environment in which resolution can be reached. In deciding the agenda, who should attend, the number of attendees, and in taking questions from attendees, the Chair should carefully take into consideration the need to avoid any attendee feeling intimidated by the proceedings. The Chair may wish to set time limits for presentations. In exceptional circumstances, the Chair may decide that the panel should hear the complainant or a particular witness separately. For example, if the complaint is about bullying, the Chair may decide to give the pupil the opportunity to put their case to the panel before others are admitted to the meeting to avoid a confrontational and distressing situation. In such cases, the panel will need to ensure that allegations made are shared with the other parties so that they are able to respond.

It is recommended that the panel appoint a Clerk to minute the meeting. The Clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing and ensure that the dates are convenient to all parties and that the venue and proceedings are accessible.
- Collate any written material and send it to the parties in advance of the hearing.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings.
- Notify all parties of the panel's decision.

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations that will satisfy the complainant that their complaint has at least been taken seriously.

The Academy has made arrangements with other local schools and academies to provide Governors to sit on complaints' panels in order to ensure that one member of every complaints panel is totally independent of the management and running of the school.

What if the complaint is about a Governor?

The Chair of Governors can still address the complaint. If the complaint is about the Chair of Governors, it should be referred to a member of the Governing Body.

### **Stage 3: Complaints about Academies**

Academies operate independently of local authorities. Complainants about academies who wish to go beyond the complaints review panel should be referred to the new Education Funding Agency, an executive agency of the Department for Education.

## **Appendix A**

### **Complaints Procedure for Parents and Prospective Parents**

In order to investigate your complaint as fully as possible, the Governing Body has a staged process. Most issues are sorted out informally and we would recommend that you try this approach first. However, if you feel that there is nothing to be gained and you wish to make a formal complaint you have the right to go straight to Stage 1 of the complaints' procedure.

#### **Resolving concerns informally**

- 1.1. Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure them that the school wants to hear about it. Parents should be advised from the outset that there is a complaints procedure that they can use if the matter cannot be resolved. The member of staff may explain to the parent how the situation happened. It is helpful at this point to identify what sort of outcome the parent is looking for.
- 1.2. If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name and contact address or phone number.
- 1.3. All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been dealt with.
- 1.4. If the matter is brought to the attention of the Head Teacher, he may decide to deal with the complaint. If the complaint is against the Head Teacher, the parent will be advised to contact the Chair of the Governing Body.
- 1.5. The member of staff dealing with the concern will make sure the parent is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.
- 1.6. While it is often a helpful way to resolve problems more quickly, a parent or pupil is not required to pursue informal ways to address complaints but has the right to make a formal complaint at any time.

#### **Stage 1: Investigation by the Head Teacher**

- 2.1 Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can expect help to put their complaint in writing.
- 2.2 The Head Teacher (or designated person) will acknowledge the complaint in writing within three working days of receiving the written complaint. The acknowledgement will give a brief explanation of the Academy's complaints' procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of 20 working days unless it is a particularly complex issue.
- 2.2 The Head Teacher will provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.
- 2.3 If necessary, the Head Teacher will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed unless this is judged not to be in the interests of the pupil's welfare. Pupils should normally be interviewed with parents/guardians present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.
- 2.4 The Head Teacher will keep written records of meetings, telephone conversations and other documentation.

- 2.5 Once all the relevant facts have been established as far as possible, the Head Teacher will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of Governors within 20 working days of receiving the letter.
- 2.6 If the complaint is against the Head Teacher, or if the Head Teacher has been closely involved in the issue, the Chair of the Governing Body will carry out all the Stage 1 procedures.

## **Stage 2: Review by Complaints Review Panel**

- 3.1 Where a parent is still not satisfied with the response to the complaint, he or she can write to request a panel hearing. The Chair of the Governing Body will write to the complainant to acknowledge receipt of the written request for a complaints panel to review the complaint. The acknowledgement will inform the complainant that two Governors of the Academy's Governing Body together with a third person who is totally independent of the management and running of the school (this will usually be a Governor from a neighbouring school or academy) will form a panel to hear the complaint within 20 working days of receiving the complaint. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.
- 3.2 A meeting of the Complaints' Panel will be convened. No Governors with prior involvement in the issues complained about will be included on the panel and one of the panel will be totally independent of the management and running of the school (usually a Governor of another local school). Governors should bear in mind the advantages of having a Parent Governor on the panel and will also be sensitive to issues of race and gender. The Head Teacher will not sit on the panel. An experienced Governor will chair the panel meeting.
- 3.3 The Chair of the panel will ensure the panel hears the complaint within twenty working days of receiving the letter. All relevant correspondence relating to the complaint will be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to panel members.
- 3.4 The Chair or Clerk will write and inform the complainant, Head Teacher, any relevant witnesses and members of the panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.
- 3.5 The Head Teacher will be invited to attend the panel meeting and will be asked to prepare a written report for the panel in response to the complaint. All attendees including the complainant should receive a set of the relevant documents including the Head Teacher's report and the agenda, at least five working days prior to the meeting.
- 3.6 Submission of additional documents or requests for additional attendees will be at the discretion of the Chair of the panel.
- 3.7 At the panel hearing:
- The complainant will have the opportunity to present their complaint.
  - The Head Teacher will explain the Academy's position.
  - Those present will have the opportunity to ask questions.
  - Panel members will have the opportunity to ask questions of the complainant and the Head Teacher.
  - The Head Teacher will be given the opportunity to make a final statement to the panel.
  - The complainant will be given the opportunity to make a final statement to the panel.
  - The Chair will ask the complainant if he or she feels they have had a fair hearing.
  - The Chair of the panel has responsibility to ensure that the meeting is properly minuted.
- 3.8 The Chair of the panel will explain to the complainant and Head Teacher that the panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Head Teacher, other members of staff and witnesses will then leave.



3.9 The panel will then consider the complaint and all the evidence presented and will:

- Agree a decision on the complaint;
- Decide upon the appropriate action to be taken to resolve the complaint; and
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

3.10 A written statement clearly setting out the decision of the panel must be sent to the complainant and Head Teacher. The letter to the complainant should also advise how to take the complaint further.

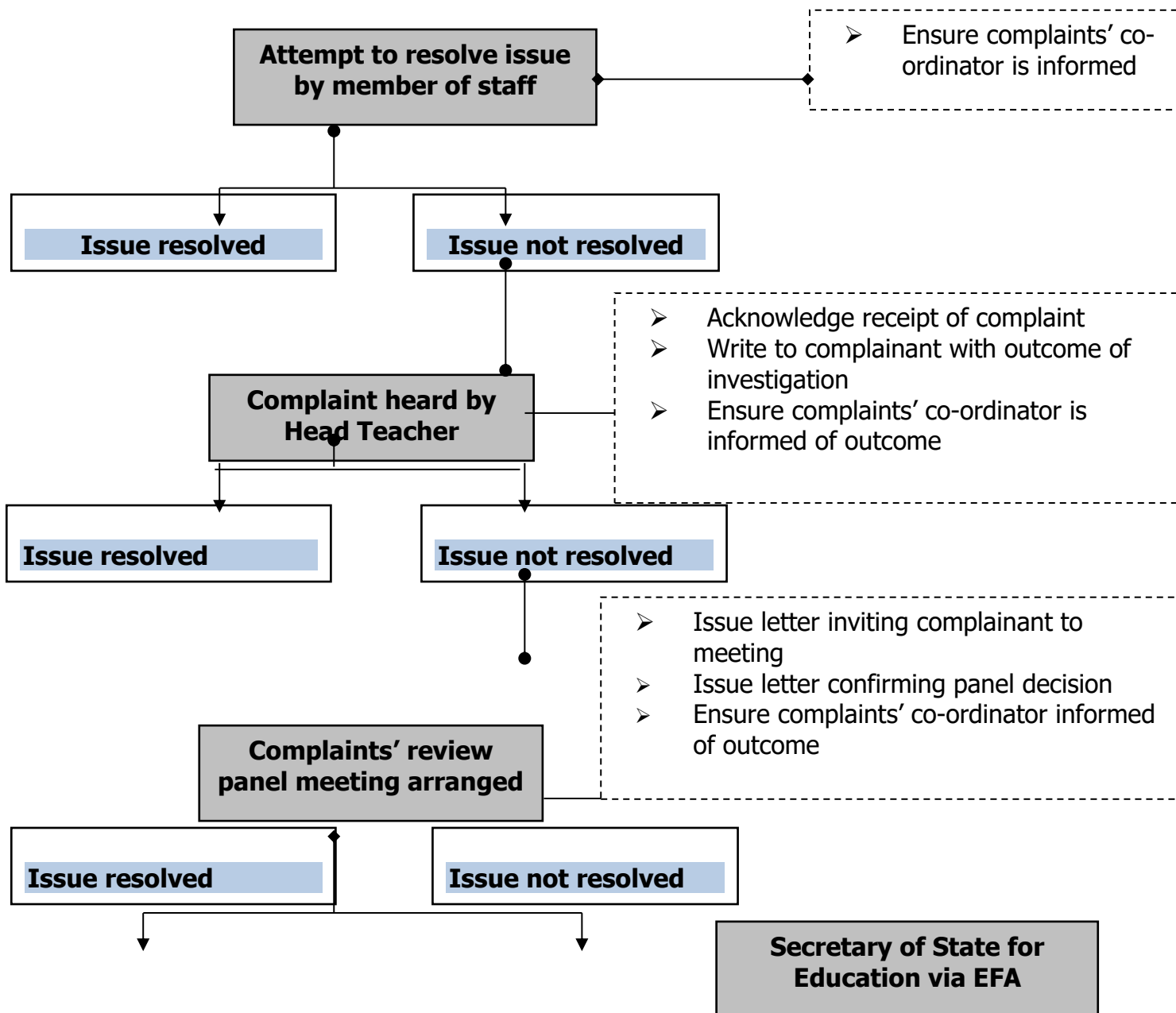
3.11 The school will ensure that a copy of all correspondence statements and records are retained and kept confidential, available for inspection under current regulations. These records will be kept separately from the pupil's personal records.

### **Stage 3: The EFA**

If a complainant wishes to go beyond the Governors' complaints' panel, they should be advised to contact the Education Funding Agency, see: [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints).

No formal complaints were received by the Academy in 2021/22.

## Appendix B – Flowchart of Complaints



## Appendix C - Complaints Form

Please complete and return to ....., who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
<i>For Office Use only</i>	
Date acknowledgement sent:	By Whom:
Complaint referred to:	Date: