

## **HUTTOFT PRIMARY SCHOOL (Academy)**

### **COMPLAINTS BY PARENTS - PROCEDURE**

(A Governing Body Procedure)

Reviewed Spring 2017

#### **Introduction**

In this school all staff are dedicated to giving all children the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents and believe that the school and parents must work together in partnership, each carrying out their own particular responsibilities to help pupils gain the most from their time in school.

If you feel that something is not going quite as you would like it to, that we are doing something that you are unhappy with, or not doing something that you feel we should, PLEASE TELL US ABOUT IT.

- **Step One**

Please arrange to discuss any concerns with your child's class teacher, or the Headteacher. We hope that most problems can be sorted out this way.

- **Step Two**

If, after speaking to your child's teacher, you do not feel that your concern has been properly dealt with, or if your concern is about the conduct of a particular teacher, then you should discuss the matter with the Headteacher who will make a note of your concern and any actions agreed to be taken. Almost all cases are sorted out satisfactorily in this way.

- **Step Three**

Unless your concern is about the conduct of the Headteacher, you should ask the Headteacher for the school's Complaints Form on which you should write the details of your complaint. The Headteacher will be responsible for ensuring your Complaint is investigated appropriately and will respond to it in writing. If you feel unable to write your response the school can produce a typed statement for you to sign and append to the Complaints Form.

All stages of the process will be documented in a single file and held centrally by the school's Complaints Co-ordinator (the Headteacher). All such records are subject to the Freedom of Information and Data Protection Acts.

The Headteacher may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns. Whether or not a meeting is convened, arrangements will be made for the matter to be fully investigated and you should learn in writing, usually within 5 school days of receipt of your formal complaint how the school intends to proceed. This notification should include an indication of the anticipated timescale. Any investigation will begin as soon as possible and when it has been concluded you will be informed in writing of its conclusion.

### **Taking Matters Further**

If your concern is about the conduct of the Headteacher, or if you are dis-satisfied with the Headteacher's response to your formal complaint on the Complaints Form at Step Three, then you need to contact the Governing Body.

You should send the written details of your complaint on the Step Three Complaints Form with any correspondence and evidence to support your complaint in a sealed envelope to the Clerk to the Governors for the attention of the Chair of the Governing Body. If, for some reason, you do not feel able to put your complaint in writing, you should contact the Clerk, via the school who will produce a typewritten statement for you to sign. You should include a clear statement of the actions that you would like the school to take to resolve your concern. Without this it is much more difficult to proceed.

In the case of dissatisfaction with the Headteacher's response to your formal complaint you should request that the governing body reviews the process that the school followed in handling the complaint.

### **Review Process**

A Review Process request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome of the Headteacher's response at Step Three. Such a request must include a statement specifying any perceived failures to follow the procedure. The procedure Review Process will be followed. A Review Request form will be provided for your convenience.

Any Review of the Process followed by the school will be conducted by a panel of three members of the governing body. This will usually take place within 10 school days of receipt of your request. Those Governors chosen ideally should have no knowledge of the details surrounding your complaint or of the complainant. It is appreciated that this may not always be possible in a rural school like Huttoft. However, the Governing Body should always try to find impartial Governors whenever possible and one of the panel must be independent of the management and running of the Academy.

The parent will be invited to attend a meeting where they will be able to put their complaint personally to the Governors. The Headteacher will also be present to respond to the complaint. Teachers should not attend. If their evidence is needed it will either be obtained via the Headteacher or where that is not appropriate, by a Governor before or after the meeting with the parent. The Governors will only make a decision about the complaint after hearing evidence from both parties.

The structure of such a meeting should be flexible. However, it is anticipated it would follow a similar process to Exclusion or Admission Appeals. The complaint would be put to the Complaints Committee who would then have an opportunity to ask any questions, as would the Headteacher. The complaint would then be responded to by the Headteacher with questions from both parties being permitted. Each party would then summarise their position. Both parties would then leave to allow the Governors to make their decision in private.

Both the complainant and/or the Headteacher are entitled to bring a representative with them if they wish. Although it would not normally be necessary, either party may bring a legal representative if they wish. Either party intending to bring a representative would be expected to contact the Clerk to the Governors prior to the hearing to notify them of the same.

For the avoidance of doubt, all communication should be through the Clerk to the Governors, neither party should send their responses to the other directly.

The Complaints Committee must take a robust approach and not simply endorse the decision of the Headteacher without any consideration of the evidence.

The Complaints Committee must have all the necessary evidence to make their decision. If they are not satisfied and require further evidence from either party, they should adjourn and request that information. The Complaints Committee should only make their decision if they are satisfied they have sufficient evidence with which to make a final decision.

The decision of the Complaints Committee should be given to the complainant in writing within five working days of the decision. Providing the procedures as laid down in the Complaints Policy are followed, then there is no right of appeal following this decision.

Governors and parents should be aware: As an Academy only the Governing Body can deal with complaints.

The decision letter should outline the nature of the complaint, the factors taken into consideration and the decision of the Complaints Committee. There is therefore no need for minutes to include any other information.

Under the Data Protection Act parents can request to have sight of the documents relating to their complaint.

### **Be informed by the 'need to know' principle**

- Concerns are sometimes brought to a governor in the first instance. Governors need to understand that their response ought to be to advise the person to follow the procedure set out in the school's complaints policy. The Chair should be advised that this procedure has been followed without providing details of the substance of the potential complaint. This ensures that the governor concerned does not play any part in any subsequent investigation. It is essential to prevent governors becoming aware of the details of a complaint. Otherwise, they may become 'compromised' and this would cause difficulties at later stages of the complaints procedure.
- Should a concern be shared with the entire governing body, the Academy Trust will need to convene an independent panel.

**This Complaints Procedure does not cover these matters:-**

Exceptions	Whom to contact
<ul style="list-style-type: none"> <li>• Admissions to the school</li> </ul>	Governing Body via the Clerk
<ul style="list-style-type: none"> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection investigation</li> </ul>	Local Authority
<ul style="list-style-type: none"> <li>• Exclusion from school</li> </ul>	Parents and carers may use procedures to challenge permanent exclusions and fixed term exclusions of more than 5 days in a given term. Concerns about the process followed can be raised via the complaints procedure.

### **Vexatious Complaints**

There will be some complainants who are reluctant to accept the outcome of the process.

Should the complainant continue to make contact on the same issue, the Chair of Governors has the power to inform them that the process is complete and the matter is therefore closed.

In the context of Freedom of Information requests, 'vexatious' is defined as the 'manifestly unjustified, inappropriate or improper use of a formal procedure'.

Criteria to be applied to decide whether it is 'manifestly unjustified, inappropriate or improper?'

- All reasonable steps have been taken to address matters
- A clear statement has been provided which details the school's position
- The school is being repeatedly contacted with the same points being raised
- The school has reasonable grounds for believing that the intention is to cause inconvenience
- Communications are aggressive in tone or content. Abusive, derogatory and/or threatening comments are made.