

BENTHAL PRIMARY SCHOOL COMPLAINTS PROCEDURE

Introduction

We will always try to resolve any issues informally and in the first instance, through discussion with you and the class teacher or the members of staff concerned.

Parents/carers raising concerns and complaints should meet or discuss with the class teacher first. You will be given an opportunity for discussion of your concerns informally with the appropriate member of staff. If you wish to make a complaint about a member of staff, you should initially make your complaint to the Headteacher. An appointment may need to be made to discuss these concerns further.

Although the Learning Trust has no formal responsibility for resolving complaints, officers in the Admissions and Pupil Benefits Team can provide advice and guidance to schools and parents on the procedures. Mediation can also be offered at any point during the informal stage and during stage 1 with the agreement of both parties. For further advice on this matter please call Harriett Young on 020 8820 7402.

Any complaint brought to the attention of the Headteacher that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Hackney Social Services and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the headteacher or governing body.

For further advice in this issue you can speak to Paul Kelly, Principal Officer for Vulnerable Pupils on 020 8820 7000.

The meeting arranged to discuss your concerns informally

- You can bring a friend to any discussion.
- The member of staff dealing with the concern should make sure that you are clear as to what action (if any) or monitoring of the situation has been agreed.
- This stage should be completed speedily and concluded in writing with appropriate detail.
- Where no satisfactory solution has been found, you should be informed that you can consider making a formal complaint in writing to the Headteacher which will take matters to stage 1 on the complaints procedure.

Stage 1 – Complaint to the Headteacher for investigation

- 1.1 The Headteacher should acknowledge your complaint in writing. In some cases the Headteacher will have already been involved in looking at the matter; in others it will be his/her first involvement.
- 1.2 The Headteacher should consider providing an opportunity to meet with you to supplement any information previously provided.
- 1.3 If the complaint is against a member of staff the Headteacher should talk to the staff member against whom the complaint has been made.
- 1.4 If necessary, the Headteacher should interview witnesses and take statements from those involved.
- 1.5 The Headteacher should keep reasonable written records of meetings, telephone conversations and other documentation.
- 1.6 Once all the relevant facts have been established, the Headteacher should produce a written response to you. The Headteacher may wish to meet with you to discuss/resolve the matter before confirming the outcome in writing.
- 1.7 The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.
- 1.8 You should also be advised that if you are not satisfied with the response and wish to take the matter further, you can do so, by writing to the Chair of the Governing Body within three weeks of receiving the outcome letter.
- 1.9 Stage 1 should be completed in ten school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases, the Headteacher should write to you giving a revised target date.
- 1.10 Schools will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).

Complaints against the Headteacher

If the complaint is wholly or mainly about the Headteacher the Governing Body should consider the complaint in accordance with Stage 2 of the procedure described below. However, before stage 2 is instigated the Chair of the Governing Body will invite the Headteacher to respond to the complaint in writing

within ten school days. The Chair will send a copy of the Headteacher's response to the complainant and the parent will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the parent is not satisfied with the response stage 2 should commence as described in paragraph 2.1 below.

Stage 2 – Consideration by the Governing Body

- 2.1 If the complainant decides to take the matter further, the Chair of the Governing Body should write to the parent to acknowledge the complaint within two school days of receipt of the complaint. A copy of the acknowledgement and the complaints form should be sent to the Headteacher and the Clerk to the Governing Body. (A standard letter is attached to this document which the Chair may wish to use).
- 2.2 **Investigating the complaint** – If the complaint has been investigated at Stage 1 the result of the investigation must be made available to the Clerk/Chair by the Headteacher. However, where the complaint is against the Headteacher and the complaint is referred to Stage 2, the Chair of the Governing Body must decide, in consultation with the Chair of the Complaints Committee (see 2.3 below) whether and how the complaint should be investigated. Advice can be sought from the Learning Trust and the time allowed to complete stage 2 must be borne in mind.
- 2.3 Governing Bodies are advised to establish a complaints panel from which three governors can be drawn by the Clerk to constitute a Committee. The Headteacher should not serve on the committee.
- 2.4 The Committee should consider the complaint on the basis of the written evidence and usually also set up a hearing and hear both parties. Governors may also take evidence on their own initiative. Governors should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues. If they decide to set up a hearing, the Committee should follow the procedure set out in paragraph 2.5 to 2.19 below.
- 2.4 The Chair of the Committee should take a decision at the beginning of Stage 2 on whether to seek the services of a clerk from the Learning Trust's service offer or other source to:
 - deal with the administration of the procedure;
 - provide independent advice on procedure and evidence;
 - ensure that the relevant facts are established;
 - minute the meeting and

- draft the decision letter.
- 2.5 The Clerk/Chair of the complaints committee should write to the parent to explain how the review will be conducted. The letter should be copied to the Headteacher.
 - 2.6 The Clerk/Chair of the Complaints Committee should confirm the date of the meeting with the other governor(s).
 - 2.7 The parent and Headteacher should be invited to attend the meeting. The date and time of the meeting should be convenient to the parent and Headteacher, within reason. The notification should inform the parent of his/her right to be accompanied to the meeting by a friend/representative. It should also explain how the meeting will be conducted and of the parent's right to submit further written evidence to the committee.
 - 2.8 The Headteacher should also be invited to prepare a written report for the Committee in response to the complaint.
 - 2.9 All relevant correspondence regarding the complaint should be circulated to the committee members; the parent and the Headteacher in advance of the meeting.
 - 2.10 If the Headteacher and/or the parent wish to call witnesses, the agreement of the Chair of the Committee should be obtained in advance of the meeting.
 - 2.11 It is the responsibility of the Chair to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.
 - 2.12 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the Committee will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.
 - 2.13 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.
 - 2.14 The meeting should allow for:-
 - the parent to explain his or her complaint and the Headteacher to explain the reasons for his or her decision;

- the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher;
 - panel members to have an opportunity to question both the complainant and the Headteacher;
 - any party to have the right to bring witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses.
 - final statement by the Headteacher and parent.
- 2.15 The Chair of the Committee should explain to the parent and the Headteacher that the Committee will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Headteacher and any witnesses will then leave.
- 2.16 The panel will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision on the complaint. Where appropriate the Committee can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.
- 2.17 As in Section 1.10 above, Governors will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.
- 2.18 The Clerk/Chair will send a written statement outlining the decision with reasons to both the complainant and the Headteacher.
- 2.19 The complainant should be advised that if s/he is dissatisfied with the response s/he has the right to take the matter further by complaining to the Secretary of State for Education and Skills.
- 2.20 Stage 2 should be completed in 15 school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases the Chair of the Complaints Committee should write to the parent giving a revised target date.
- 2.21 In exceptional circumstances the Committee may decide after taking advice from the Learning Trust not to proceed to consider the complaint on the grounds that the complaint has already been dealt with or is malicious.