



# Higher Failsworth Primary School

'Working together for an Education for Life.'

## Complaints Policy

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Staff Member:	School Business Manager
Policy Ref:	S8

# Higher Failsworth Primary School

## Complaints Policy

### Introduction

We believe that our school provides a good education for all our children, and that the headteacher and other staff work very hard to build positive relationships with all parents. Whilst we try very hard to get things right first time, there may be occasions when we don't succeed. If parents or carers are concerned about something that has happened at school, they should tell the school about it as soon as possible in order that something can be done to put things right.

This procedure sets out clearly how we will respond to any concerns or complaints that are received. Taking informal concerns seriously at the earliest stage will help to minimise the number of formal complaints received. Concerns should be responded to if possible without the need to engage the formal process, and in most cases it is accepted that the class teacher/deputy headteacher is best positioned to deal with and respond to any concerns raised. Staff will make every effort to resolve issues 'on the spot' including the offer of an apology or explanation where this is felt to be appropriate.

Some issues will fall outside of the remit of the Complaints Policy. Where issues fall outside of the remit of this policy, they will be referred to a member of the Senior Leadership Team who will make an assessment as to which process they should be considered under (See 'Complaints outside of this Policy' below).

### Aim

We aim to:

- Be fair, open and honest when dealing with any complaint.
- Give careful consideration to all complaints and deal with them as swiftly as possible.
- Resolve any complaint through dialogue and mutual understanding.
- Put the interests of the child above all other issues.
- Provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

### Engaging the formal complaints process

Staff will need to be clear about the difference between a concern and a formal complaint, and the formal procedure will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person making the complaint remains dissatisfied and wishes to progress the matter further.

### Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## **The complaints procedure**

### **Stage 1 (informal investigation stage)**

In the first instance any concerns or complaints should be discussed with the child's class teacher as soon as possible. In most cases any concerns or complaints addressed in this way can be resolved quickly and informally.

Complaints made directly to the headteacher will usually in the first instance be referred to the class teacher or Unit Leader, unless it is a matter that the headteacher decides should be dealt with immediately under Stage 2 of this procedure. Complaints relating to the conduct or actions of any member of staff will be referred to the headteacher for response. Complaints about the headteacher should be made in writing in the first instance to the Chair of Governors.

If the teacher is unable to deal immediately with the matter, the class teacher will make a written record of the concerns and complaints on the day they are received and take immediate action to look into and try to resolve the complaint. (This may include speaking with or involving other staff members as appropriate including Unit Leaders or members of the Senior Leadership Team).

A response to the complaint will be made within a maximum of 10 working days of the receipt of the complaint. The response may be in writing or via a meeting/conversation with the complainant. The teacher will ensure that parents are clear what action has been taken or agreed.

If the complaint cannot be resolved, then the complainant will be able to request that their complaint is progressed to Stage 2 of the complaint process.

If any parent/carer would like another person to act on their behalf, they must request this in writing – a sample form is included in appendix 2.

### **Stage 2 (formal written stage)**

Any requests for a complaint to be investigated at Stage 2 of this procedure should be put in writing to the headteacher. Assistance can be provided by the Safeguarding and Pastoral Manager or School Business Manager in recording complaints for people who may have difficulties with this.

The headteacher after full consideration of the complaint will decide on an appropriate course of action, which may include any or all of the following:

- In most cases the headteacher will arrange to meet with the parent/s or carers as soon as possible and try to resolve matters. This will normally be within 5 working days of receiving the complaint
- It may be necessary for the headteacher to carry out further investigation into any matters raised in the complaint following the meeting with the complainants. Any member of staff involved in the complaint will be notified of the complaint, and also kept informed of any outcome.
- It does not fall within the remit of this complaints process to look at any matters in relation to staff disciplinary matters or safeguarding issues. Such matters will be investigated via the appropriate procedures and where deemed necessary may take precedence over the complaint process which may be temporarily suspended.

Written records of any meetings and interviews conducted in relation to the complaint with either staff or the complainants should be kept.

A written response to the complaint confirming the outcome, reasons for his/her decision, and details of any actions to be taken as a result of the complaint will be received from the headteacher within 15 working days. The response will

be communicated in a resolution meeting between the headteacher and complainants and a written copy also provided.

Where matters for consideration are complex and it is identified that an extended period is required in order to properly investigate the complaint then the headteacher will write to the complainant advising them of the revised timescale and the reasons for any delay.

If the complaint is not resolved, or their complaint is against the headteacher, they are referred to the Chair of the Governing Body.

### **Stage 3 (Governing body complaint panel)**

If the complaint is still not resolved, then parents/carers can request in writing that their complaint be progressed to Stage 3 of the process.

The complaint will be referred in this instance to the Chair of Governors. Depending on the nature of the complaint, the Chair of Governors may look into and respond to the complaint initially if they feel that the complaint can be resolved. This may involve contacting the complainant to further understand the nature of the complaint, gathering more information from any staff involved in investigating the complaint previously and then providing a response to the complainant.

If it is felt that resolution by the Chair of Governors is not a likely outcome, then the Chair will arrange for a Complaint Panel to be held normally within 20 working days from receipt of the request. The panel will be made up of three members of the school governing body, who have had no prior involvement in the investigation of the complaint. This may mean that the Chair of the Governing Body cannot sit on the panel if they have been involved at an earlier stage or if they have attempted an initial resolution at Stage 3.

At the panel meeting, the complainants will be given the opportunity to discuss and present any information to support their complaints. The school will then have the opportunity to respond and the Panel can ask questions of both parties. All complaints related information from earlier investigations or supporting documents which will be considered as part of the panel meeting must be circulated to all panel members, the school representative/s (usually the headteacher) and the complainants in advance of the panel meeting. If possible, the Panel should seek to resolve the complaint at this meeting, without the need for further investigation. If the panel feel that specialist knowledge may be required, this should be sought in advance where possible, or a specialist may be invited to the panel meeting to answer questions on the day.

## **The Complaints Panel**

### **Remit of the panel**

The aim of the panel should always be to resolve the complaint wherever possible and achieve a reconciliation between the school and the complainant. It must be recognised however that the complainant may not always be satisfied with the outcome and it may only be possible to establish the facts and make recommendations that will satisfy the complainant that their complaint has been taken seriously.

Following full consideration of all the available information the panel may:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;

- decide on appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

### **Panel Process**

It is important that the panel is independent and impartial, and seen to be so, and no panel member should have had any prior involvement in the complaint. Care should be taken when a panel is chosen to ensure that members are sensitive to the issues of race, gender and religious affiliation, and also that there is no conflict of interest.

The panel will be organised in such a way as to minimise formality, but whilst maintaining privacy and confidentiality. It should be acknowledged that many complainants may feel nervous and inhibited within a formal setting. Parents or carers will often feel emotional when discussing issues related to their child. The panel members will ensure that the proceedings are as welcoming as possible and not adversarial. Where appropriate, assistance and support should be offered, and the complainant may bring along a suitable advocate or support person to the panel, but must inform the panel in advance of the details of who that person will be. Legal representation will not normally be appropriate.

Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults.

The panel meeting should be clerked but formal minutes should not be produced. The clerk's notes are for the panel to make reference to and use to make their decision. Panels will normally be clerked by the School Business Manager. The clerk would also be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring 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
- ensure that all parties are notified of the panel's decision

A chair should be agreed in advance of the meeting. The chair has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- each side is given the opportunity to state their case and ask questions
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response. This should be completed as soon as possible after the panel meeting, usually within 10 working days.

### **Complaints outside of this policy**

Some complaints fall outside the school's complaints procedure, for example:

- Admissions to schools
- Exclusions
- Statutory assessments of special educational needs
- Matters likely to require a child protection investigation
- Disciplinary procedures and staff conduct issues

### **Beyond the Governing Body**

Investigating and responding to complaints about schools is the responsibility of the headteacher and the School Governing Body. However, there are some school complaint matters for which the Local Authority still retains responsibility and these include complaints relating to:

- Some admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School reorganisation proposals
- Matters likely to require a Child Protection Investigation
- Exclusion of children from school

For complaints about these matters or if you have any questions or need assistance to access the school complaint process you can contact the Senior Children's Complaints Officer by telephone on 0161 770 1129.

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## **Appendices**

Appendix 1 - Complaints Form

Appendix 2 - Form of Authority to give another person permission to discuss your complaint

Appendix 3 - A guide for Parents and Carers Flow Chart

Appendix 4 - A Guide for Parents and Carers Fact Sheet

# Higher Failsworth Primary School



## Statement of Complaint Form

<b>Name of Complainant</b>	
<b>The complaint/s I would like the school to investigate is/are:</b>	
<b>The Outcome/remedy I would want to resolve matters:</b>	
<b>Signed:</b>	<b>Date:</b>



**Higher Failsworth Primary School**  
**Form of Authority of Consent**



Name of complainant:	
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I give consent for:

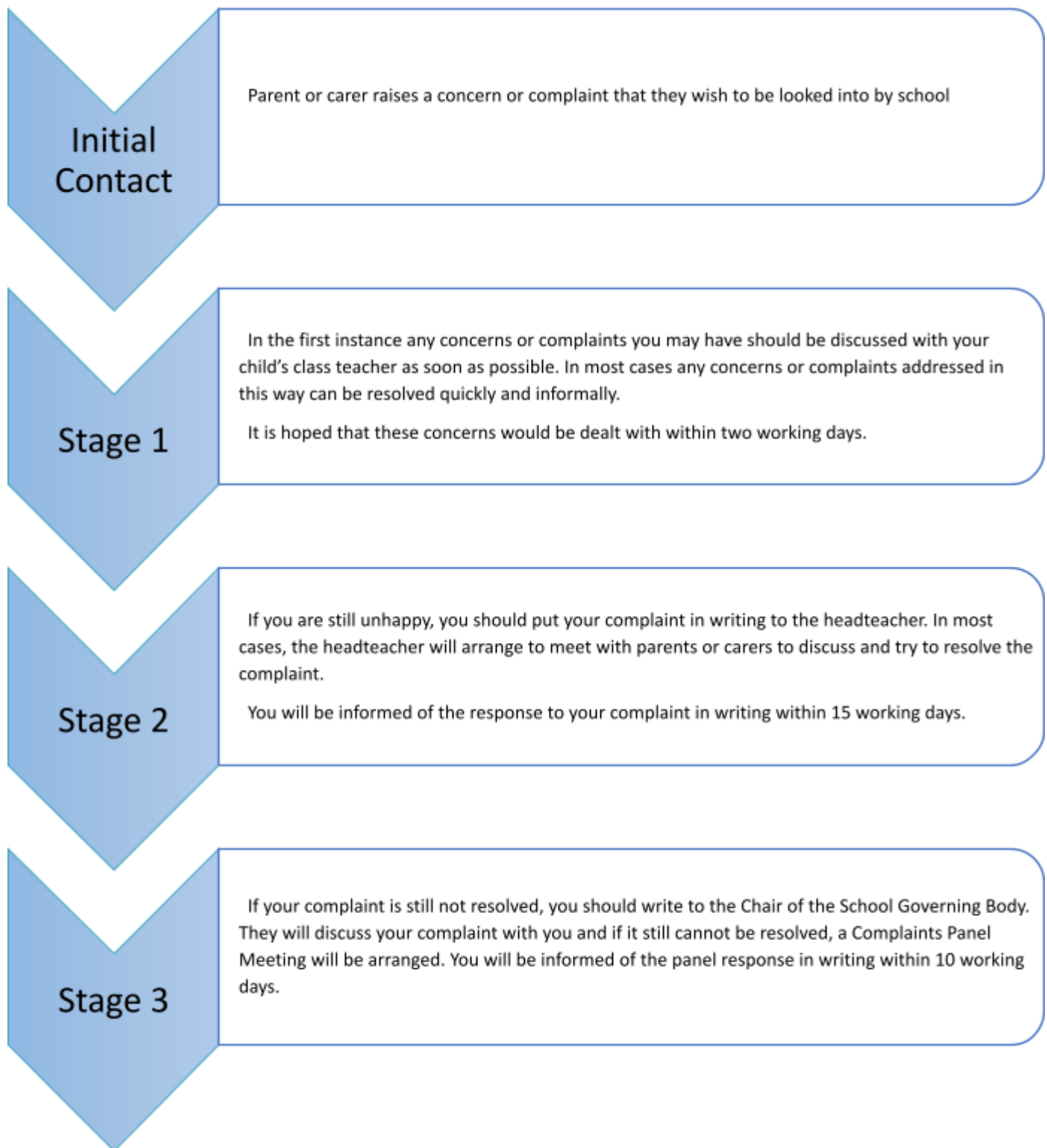
Name of advocate:	
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To act on my behalf in making a complaint via the schools formal complaint process and agree that information relating to the investigation of the complaint and my child can be shared by the school with my advocate.

Signature of Complainant	Date:
Signature of Advocate	Date:



## Higher Failsworth Primary School Complaints Process Flow Chart



Further detailed information is available in the Fact Sheet – Complaints Process: A guide for Parents and Carers which is available from the School Office.



## Higher Failsworth Primary School

### Complaints Process Fact Sheet

As a parent or carer of a child who attends our school, you may become concerned or worried about something that has happened at school.

If this happens then you should contact school to discuss the issue as soon as possible. Not all concerns may lead to be complaints, but if you feel that the issue is something that you wish to make a complaint about, then this is the process you will follow.

#### **Stage 1**

In the first instance any concerns or complaints you may have should be discussed with your child's class teacher as soon as possible. You do not need to put them in writing at this stage. Just talking to the teacher is enough for us to look into the issues you have raised. We take all parental concerns raised very seriously.

The class teacher is available for parents to speak to after school most nights of the week, or before 8.45am in the morning. After 8.45am they will be busy preparing for the day's teaching. If the Class Teacher is not available, you can speak to somebody in the School Office who will take a message and pass your concerns on to the class teacher.

After the teacher has looked into the issue, they may speak to you again to tell you what action has been taken although this is not always needed and depends on the concerns you raised.

In most cases any concerns or complaints addressed in this way can be resolved quickly and informally.

#### **Stage 2**

If you are still unhappy once the Class Teacher has looked into the issue you have raised, then you should put your complaint in writing to the headteacher.

If you put your complaint in writing directly to the headteacher without speaking to the Class Teacher, then we may ask the Class Teacher to look into the issue first, before the headteacher conducts any formal investigation.

In most cases, the headteacher will arrange to meet with parents or carers to discuss and try to resolve the complaint. Information will be gathered from all people involved in the complaint and then appropriate actions will be taken.

You will be informed of the response to your complaint in writing within 15 school days. If your complaint involves another child, or a member of staff, then it may not be possible to tell you exactly what action has been taken as this could breach Data Protection Rights. You should be assured however, that any action taken to resolve the issue you have raised will be appropriate and in line with school policies.

#### **Stage 3**

If after you have complained to the headteacher you feel that your complaint is still not resolved, then you should write to the Chair of the School Governing Body. You can contact the Chair by writing a letter and delivering it to School. Post is collected from the School Office. Alternatively, you can send your letter via the School Governors Service to the following address:

Chair of Governors – Higher Failsworth Primary  
Governor Support Service  
Oldham Council  
Level 4

#### Appendix 4

Civic Centre  
West Street  
Oldham  
OL1 1UT

If the Chair of the Governing Body feels that they may be able to resolve the issue you have raised, then they may ask to meet with you to discuss your complaint and to try to find a resolution.

However, if the complaint is complex and is not something that could be resolved easily, then they will arrange for a Complaints Panel Meeting to be held.

The Complaints Panel Meeting is a meeting where three School Governors will listen to all the information about the complaint. Both parents/carers and the school will have the opportunity to speak at the meeting and present any information they feel might be relevant to the complaint. The governors will be able to ask questions at the meeting and find out what outcome the parents/carers would like to see.

After all the information has been presented the Governors will then consider the complaint and decide whether or not it should be upheld. This decision takes place once the school and the parents/carers have left the meeting. They may make recommendations that school should make changes to policies or procedures, or of specific actions that could be taken to resolve the issues raised.

You will be informed of the panel response in writing within 10 working days. Again depending on the issues raised in your complaint, it may not be possible to inform parents/carers of the specific actions taken if they involve other children or members of staff, but actions taken will be in line with school policies and procedures.

If any of this information is unclear, or if you have any further questions about the School Complaints Process, then you can speak to Mrs Webb, the School Business Manager.

You can contact Oldham Councils Complaints Team using their online feedback form for further advice online:

[https://www.oldham.gov.uk/info/100004/about\\_the\\_council/630/complaints\\_or\\_feedback\\_about\\_the\\_council](https://www.oldham.gov.uk/info/100004/about_the_council/630/complaints_or_feedback_about_the_council)

**Please note** if you cannot access online services, the Complaints Team offers a call back service which is available on 0161 770 8122.