



# Noam Primary School

Complaints Policy

November 2016

## Complaints

Date	Review Date	Coordinator	Nominated Governor
1/12/2016	1/12/2017	Mrs Simmonds / Mrs Chody	Mrs Shelley Kelaty

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 1998
- 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
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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)

Noam Primary School prides itself on the excellent relationship that exists between parents and staff. We recognise how important it is to work in partnership with the parents and the wider community to ensure that our school provides a happy, positive and secure learning environment. In order to maintain lines of communication, we have instituted some basic procedures to enable a parent to discuss issues, share concerns and have a dialogue with the class teacher or relevant member of staff. 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.

This policy is intended to provide a constructive framework to facilitate dialogue between all parties involved. It applies to all matters other than those where specific policies have been put in place, including admissions.

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

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.

## **Responsibility for the Policy and Procedure**

### **Role of the Governing Body**

The Governing Body has:

- a duty to have in place a complaints procedure;
- delegated powers and responsibilities to the Headteacher to ensure all school staff and visitors to the school are aware of and comply with this policy;
- responsibility of annually discussing the complaints/concerns log with the Headteacher;
- in place a self-evaluation process to monitor the way complaints are dealt with and to consider what improvements can be made to the complaints procedures;
- 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 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;

## 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;
- 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;
- monitor and review complaints to see how they can contribute to school improvement;
- log all complaints received by the school and records how they were resolved;
- discuss the complaints log every year with the Governing Body;
- ensure all school staff and parents are aware of and comply with this policy;

## Complaint Procedures

### Stage 1 – Informal Resolution

A parent who wishes to express a concern or discuss an issue regarding their child should, where possible, discuss the matter in the first instance with the child's teacher, by arranging a mutually convenient time through the school office. It is preferable that specific concerns are emailed to the School ([secretary@noamprimary.org](mailto:secretary@noamprimary.org)) and form the basis of discussion at the meeting. The teacher will then contact the parent promptly by phone or email to arrange a mutually convenient time for meeting. Action points arising out of the discussion will be agreed with the parents and a summary sent to the parents with a copy filed in the child's record.

If this does not resolve the matter and it relates to a nursery pupil or Kodesh then the parents should consider discussing their concern with the Head of Early Years or Head of Kodesh.

### Stage 2 – Formal Resolution

Parents dissatisfied, providing all details that might assist the investigation. This may include details of witnesses of any relevant incidences, dates and times of events and copies of relevant documents. However, where the Head teacher is the subject of the complaint, then it should be sent directly to the Chairman of Governors.

The Head teacher may be responsible for making a determination but may appoint another senior member of staff, not involved at Stage 1, to investigate and report their findings to him/her. The investigating officer may meet the complainant to clarify the specific details and any relevant background. Notes will be kept of any interviews held as part of the investigation.

The Head teacher will acknowledge any complaint within five school days indicating the investigative procedure that will be followed. S/he will aim to respond substantially in no more than 20 school days. If more time is required an interim response will be sent explaining the reasons and forecasting the conclusion date. Although the Head teacher may wish to meet the complainant, the conclusions of the investigation will be

communicated in writing, indicating whether the complaint is upheld in part or in full and any actions that will be taken (except where this would involve taking any formal action against individual members of staff).

The outcome of the investigation will usually be one of the following but not limited to:

- the complaint was substantiated in part or in full. In these cases the School will seek to provide one or more of the following responses, as appropriate:
- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.
- there is insufficient evidence to reach a conclusion so the complaint is inconclusive; or
- the complaint is not substantiated by the evidence and therefore not upheld.

The Head teacher's response will inform the complainant that they can refer the matter to the Complaints Panel of the Governing Body if they remain dissatisfied and the time limit for doing so.

### **Stage 3 – The Governors' Review Panel**

A complainant dissatisfied with the response at Stage 2 may make a written request to the Complaints Governors that the matter be referred to the Complaints' Panel of the Governing Body. This request must be made in writing within 10 school days of notification of the Head teacher's decision and must include a statement specifying reasons for the review request and any perceived failures arising from the investigation process followed.

On receipt of such a request, the Complaints Governor will invite the Head teacher to provide a written response to the complainant's request for a review within 10 school days and the Complaints Governor will proceed to convene a meeting of the Complaints' Panel. Reasonable care will be taken to ensure that the date fixed should be convenient for the complainant as well as the School and the members of the Panel.

The quorum for the Panel will be three governors who have not previously been involved with the subject matter in any way. The complainant may be accompanied by a friend to assist in explaining and enlarging on reasons for dissatisfaction with the previous investigations but may not introduce new reasons that were not previously put in writing. The Head teacher will have the opportunity to put his/her view, and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.

Without initiating new enquiries, the Panel will consider all the information put to it. The role of the Stage 3 Review Panel is to review the actions and supporting evidence of the Stage 2 investigation. The Panel will have access to all records, notes or information considered during the investigation and formulate its response as quickly

as reasonably possible and the Complaints Governor will notify this to all concerned within a target of 10 school days.

## **Where the complaints is about the actions of the Head teacher**

### **Stage 1 – Informal Resolution**

In the vast majority of cases a problem can be resolved by speaking to the Head teacher directly. The initial communication with the Head teacher may be by letter, telephone conversation or in person by appointment. It is preferable that specific concerns are emailed to the School ([secretary@noamprimary.org](mailto:secretary@noamprimary.org)) and form the basis of discussion at any meeting. The Head teacher will then contact the parent promptly by phone or email to arrange a mutually convenient time for meeting. Action points arising out of the discussion will be agreed with the parents and a summary sent to the parents with a copy filed in the child's record.

Where this action does not lead to the matter being resolved then the complaint should be dealt with through the formal stage of this procedure.

### **Stage 2 – Formal Resolution**

If the complainant is not satisfied with the response from the Head teacher at Stage 1, they should be advised that the next stage is to put their complaint in writing to the Chairman of Governors. When writing the complainant should seek to include details that might assist the investigation, such as details of any individuals who may have witnessed the incident, dates and times of events and copies of relevant documents.

The Chairman of Governors will write to the complainant within five school days of receipt of their letter, indicating the investigative procedure that will be followed and will aim to respond substantively in no more than 20 school days. If more time is required an interim response will be sent explaining the reasons and forecasting the conclusion date.

The Chairman will be responsible for carrying out an investigation personally or appointing another governor to carry out the investigation and report their findings and recommendations. Notes will be kept of any interviews held as part of the investigation. Before the investigating governor interviews the Head teacher s/he must be informed that a colleague or representative of a recognised union or professional association may accompany him.

Although the Chairman may wish to meet the complainant, the conclusions of the investigation will be communicated in writing, indicating the outcome, which will usually be one of the outcomes set out above. At this stage the complainant will be told that consideration of the complaint by the Chairman of Governors is concluded.

The complainant will also be informed that if they are not satisfied with the manner in which the process has been followed, they may request that the Governing Body's Complaints Review Panel review the process followed in handling the complaint.

### **Stage 3 – The Governors' Review Panel**

This stage is the same as outlined above.

### **Formal Complaint to a Local Authority**

If following the conclusion of the complaints process, the complainant advises the Complaints Governor that s/he does not accept the conclusions of the Panel, the Complaints Governor shall suggest that independent advice should be obtained concerning further appeal channels that may remain open.

Staff, parents and governors should not attempt to deal with complaints outside of this procedure. Any governor approached directly by a complainant should direct them to this procedure. However, should the complaint be about the Head teacher, the complainant is to be advised to write directly to the Chairman of the Governing Body as outlined above.

- Once a request has been received then the Local Authority/Ofsted 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.

### **General**

In all cases, the School will keep a record of all complaints made and the actions taken. Anonymous complaints will also be logged in this way without further action unless the Head teacher judges that the concerns raised are sufficiently serious to warrant further investigation.

No member of staff or governor may be involved in reviewing any matter where they could be a potential conflict of personal interest. If there is any doubt over whether the matter constitutes a potential conflict of interest the Chairman of Governors shall make the final decision.

### **Raising Awareness of this Policy**

We will raise awareness of this policy via:

- the school website
- meetings with school staff

<b>Headteacher:</b>		<b>Date:</b>	
<b>Chair of Governing Body:</b>		<b>Date:</b>	