

Directorate for Children & Adults

Pentland Infant and Nursery

Complaints Policy and Procedure

2018-2020

Complaints Policy

This policy statement sets out Pentland School's approach to dealing with parental concerns and complaints. Details of how the school handles concerns and complaints is contained within the Complaints Procedure (p.6) section.

Pentland Infant and Nursery School will include details of this policy on their website and through posters within school. Any easy to understand Flow Chart explaining the stages of making a complaint is also on display.

Part One: Roles and Responsibilities:

It is the responsibility of Pentland School to respond to complaints. The government and the local authority advocate resolution of parental concerns and complaints at school level wherever possible, in the interests of maintaining good home/school relations.

Role of the Local Authority

Under the Local Authority's (LA) statutory school improvement duties, the LA will monitor the frequency and nature of complaints being brought to the governing body as part of a formal complaints procedure. Since 2012, the LA no longer has any power or duty to intervene in school complaints except in the case of safeguarding. If complainants contact the LA, they will be referred back to the school and all details will be recorded and passed on to the headteacher or Chair of Governors.

The role of the LA in advising parents and schools on the handling of concerns and complaints is set out in ***Pentland School's Complaints Procedure***.

The LA retains responsibility for:

- The National Curriculum
- Collective Worship in schools
(In the case of denominational schools, concerns relating to worship and spiritual matters may be referred to the relevant Diocese or Archdiocese.)
- Provision of support services e.g. SEN, education welfare, educational psychology

Complaints about these matters should be referred to the relevant officer in the Directorate for Children & Young People.

Responsibilities of the Governing Body

The governing body will maintain a strategic overview of complaints policy and procedure rather than day-to-day operational involvement. Governors need to provide an objective approach in the interests of the whole community. Complaints are not shared with the whole governing body except in very general terms.

The governing body will determine how often the complaints policy and procedure is reviewed. Responsibility for reviewing the procedure will be delegated to a named governor.

Any third party providers offering community facilities or services through the school premises need to have their own complaints policy in place, i.e. after school clubs or extra-curricular providers. It is the responsibility of the governing body to make sure this is the case.

The role of the governing body, headteacher and teaching staff in the handling of concerns and complaints is set out in ***Pentland School's Complaints Procedure***.

Part Two: Types of complaints

Any parent or member of the public may have a concern or complaint about Pentland School. Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about e.g.

- Behaviour of pupils during break-times
- Disturbance to neighbours during school hours
- Health and Safety issues of premises
- Behaviour of staff

Schools are not responsible for the actions or behaviour of pupils outside school hours.

Complaints NOT covered by the school complaints procedure are those where there is a specific statutory process, i.e. child abuse, staff discipline, special needs assessment, school admissions or exclusions.

General complaints may involve members of staff but any investigation into such a complaint is distinct from a disciplinary process. General complaints will be treated as complaints against the school, unless serious allegations of misconduct are made, in which case advice will be sought from Pentland School's professional HR provider.

If it becomes apparent that the complaint has potential to become a disciplinary issue, it is for the headteacher or Chair of Governors (or designated governor) to determine this. If this is the case, the matter will be dealt with following appropriate disciplinary procedures. The complainant will be told that matters are to be addressed under appropriate procedures.

Legal, child protection or staff disciplinary proceedings take precedence over complaints procedures and timescales.

Part Three: Concerns and Complaints

A concern could be anything which is worrying or causing anxiety. A complaint is defined as:

“An expression of dissatisfaction or disquiet in relation to a school or teacher, which requires a response.”

The school recognises the difference between a concern and a complaint. By taking informal concerns seriously at the earliest stage and seeing this as an opportunity for mutual benefit, the numbers that develop into formal complaints can be kept to a minimum.

Concerns ought to be handled without the need for formal procedures. For example, it would be helpful if the staff receiving the first approach were able to resolve issues on the spot, including apologising, where necessary. An expression of regret or an apology is not admission of liability but demonstrates a degree of empathy and understanding of the complainant’s point of view.

Formal procedures need only to be started when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. Where it has not been able to resolve a concern informally, the complainant will be asked to put the complaint in writing to the headteacher, whereby it will then follow a formal complaints procedure.

Part Four: General Principles

The school will:

- Welcome complaints as a positive means of promoting pupil/parent satisfaction. Pentland values good home/school relations and we will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly and to the satisfaction of all concerned
- Be open with information on all school policies and make clear to parents how they can access these, in order to support clarity and understanding.
- Welcome feedback on what parents feel we do well, or not so well, as a school. We will consider carefully all feedback, whether positive or negative and will review our policies and practices accordingly.
- Understand that parents may wish to ask questions or express an opinion on certain issues and we endeavour to create an environment that supports, welcomes and respects the involvement of others

- Publicise easy to understand arrangements for handling parental concerns on the website, i.e. as a flowchart. This should encourage feedback and support parents in expressing concerns or making a complaint if they wish to do so.
- Treat all concerns and complaints seriously and courteously and, in return, expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with Pentland School should not be expressed inappropriately in front of pupils
- Pentland School abides by the statutory requirement of publishing its Complaints Policy and Procedure on the school website and making sure procedure is clear.
- Provide school staff and members of the governing body with a copy of the Complaints Policy statement and Procedure and ensure they are familiar with it.
- Provide school staff and members of the governing body with training on how to handle concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups, i.e. office staff and governors.
- Review our policy and procedures every two years and update as necessary.

Resolving complaints

At each stage, we will keep in mind ways the complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. It might also be appropriate to offer:

- 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 taken to make sure it will not happen again
- an undertaking to review school policies in light of the complaint

We will encourage complainants to state what actions they feel might resolve the problem at any stage.

An admission that we could have handled the situation better is not the same as an admission of negligence.

The awkward or vexatious complaints

There will be occasions when a complainant becomes dissatisfied even though all stages of the procedure have been followed. If the complainant tries to re-open the same issue, again, the chair of governors can write to say that the procedure has been exhausted and the matter is now closed.

Timescales

We will consider and resolve complaints as quickly and efficiently as possible and set realistic time limits for each action. However, where investigations are complex, new time limits can be set as long as school informs the complainant of the reason for the delay and give them new deadlines.

Whilst Pentland School seeks to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all the stages of the school's procedures have been exhausted, if this appears to be appropriate.

Complaints Procedure

Pentland School procedure for dealing with concerns/complaints

The majority of concerns from parents, carers and others are handled under the following general procedures. Please note: each stage of the process must be completed before the matter can be escalated to the formal stage. Many concerns or complaints can be resolved at an informal stage and will not escalate to the formal stage.

To ensure complainants receive an effective response to their concern/complaint, it will be helpful if they:

- Cooperate with the school in seeking a solution to the concern/complaint
- Express their concerns in full as early as possible
- Respond promptly to requests for information or meetings in agreeing the details of the concern/complaint
- Ask for assistance if needed
- Treat all those involved with due regard and respect

Stages of the Procedure

INFORMAL STAGE

Informal Stage 1: Concerns heard by a staff member

Many concerns can be dealt with informally when you make them known to us. The first point of contact should be your child's class teacher or other appropriate member of staff, on an informal basis, either in person or by telephone or in writing. Pentland School will provide support from the deputy or the headteacher if it was felt this would help resolve the concern at this stage.

Staff should be fully aware of the procedure and know what to do if and when they receive a complaint. Staff will know how to refer to the appropriate person with responsibility for particular issues, depending on the nature of the complaint. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.

A complainant might feel they would have difficulty discussing a complaint with a particular member of staff. The school will be as flexible as possible and refer the complainant to another member of staff if needed. If a staff member directly involved feels compromised and unable to deal with the matter, once again it will be referred to another staff member. This does not have to be a more senior member of staff; the ability to consider a complaint objectively and impartially is important.

If the complaint is about the headteacher, the complaint should be referred straight to the chair of governors. If a complainant approaches a governor in the first instance, the complainant should be referred to an appropriate member of staff.

Governors should not act on individual complaints outside the formal procedure or be involved in the early stages in case they need to sit on a panel at a later stage.

Complaints heard by the headteacher

The headteacher will have shaped the way complaints are handled in school and will have decided who is the most appropriate person to deal with the complaint. This may be the deputy head or a Key Stage Coordinator. The headteacher should be kept informed of any investigation carried out and should be involved in the final decision.

Informal Complaint Stage 2

Often complaints or concerns can be discussed and resolved at the point in which they are made. Initial complaints made in writing are still considered an informal complaint at this stage. However, it may be necessary to investigate complaints or concerns, whether made verbally or in writing, and to respond to the complainant in due course.

When a concern discussed with a member of staff hasn't been resolved, the complainant may want to take this further with the headteacher or senior member of staff, following the procedure described below:

1. Once your concern is made known to us, we will see you, or contact you by telephone or in writing as soon as possible. The school will reply with an acknowledgement in the first instance if the concern is expressed in writing, stating that we are looking into the matter. We appreciate that not acknowledging the concern either by a phone call or a letter may exacerbate the problem.
2. We will normally update you on the progress of our enquiries within 10 school days.
3. It may be appropriate for a member of staff to meet with the complainant to discuss the complaint and find a resolution.
4. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
5. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

Pentland School will ensure:

- All concerns are treated seriously.
- A member of staff makes a brief note of the concerns and an indication of the outcome of discussions
- Realistic outcomes are agreed upon where possible
- If the outcome the complainant is wanting is not realistic and a compromise is unlikely, the complainant will be advised to make a formal complaint
- If a concern relates to a school policy, rather than a particular incident, this will be referred directly to the headteacher. A written acknowledgement will be sent, informing the complainant when and how the matter will be considered

- If it is clear that a number of people share a concern, then the matter will be dealt with as a matter of urgency

FORMAL STAGE:

This stage in our procedure deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined above.

The first stage of the formal procedure should:

- establish what has happened so far and who has been involved
- clarify the nature of the complaint and what remains unresolved
- acquire further information from the complainant if required, and meeting with the complainant if necessary
- clarify what the complainant feels would put things right
- interview those involved with an open mind
- keep notes of any interviews
- keep the chair of governors informed without giving any details at this stage

1. Normally a written complaint should be addressed to the headteacher. If, however, the complaint concerns the headteacher personally, it should be sent to the school marked 'for the attention of the chair of governors' [the designated governor]
2. We will acknowledge the complaint in writing as soon as possible after receiving it. This will be within three school days.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond in full within 15 school days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to provide a full response.
5. As part of our consideration of the complaint, we may invite the complainant to a meeting to discuss the complaint and fill in any details required. If they wish, the complainant can ask someone to accompany them to help explain the reasons for their complaint. Every effort will be made to offer interpreting services where necessary.
6. The headteacher, or chair of governors [designated governor] may also be accompanied by a suitable person if they wish. This would be to observe and record the meeting and promote staff safety. Care will be taken in these circumstances not to create an intimidating atmosphere for the complainant.
7. The headteacher will make whatever enquiries they consider necessary to ascertain the facts and the legitimacy of decisions taken. This may include:
 - Interviewing staff/pupils
 - reviewing minutes of meetings
 - reviewing school records

7. Following the meeting, the head teacher, investigating officer or chair of governors [designated governor] will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
8. We will normally talk to pupils in the presence of another member of staff, or in the case of serious complaints (i.e. where the possibility of criminal investigation exists) with a parent or carer present (unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved).
9. We recognise the importance of the headteacher investigating complaints thoroughly and objectively. If they feel unable to do this (e.g. if they have been directly involved in the decision-making process that led to the complaint) they will delegate responsibility for investigating the complaint to another member of the management team or the chair of governors.
10. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures as required by law.
11. The headteacher or chair of governors [designated governor] will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
12. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give an explanation of the head teacher's or chair of governors' [designated governor's] decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may at this point offer the complainant a meeting to discuss the response and seek reconciliation. The complainant will be provided with details of how to contact the Governing Body if they are not satisfied with the response.
13. If the complainant is unhappy with the way in which we reached our conclusions, they may wish to proceed to Stage Three, as described below. If the complainant wishes to move their complaint to Stage Three, they should contact us within 10 school days of receiving our written response.

Stage Three – Governor's Complaints Committee

The Chair of Governors decides whether to convene the Complaints Committee to look into the complaint or commission the LA to start an investigation which will be charged at the consultancy rate.

If the complaint is about the headteacher then the Chair of Governors is advised to seek guidance from LA before proceeding. The LA will determine whether the matter is actually a complaint, which should be addressed through the governing body complaints committee or a disciplinary matter, which should be dealt with through the appropriate process with the assistance of your HR provider.

If the Governor's Complaints Committee is activated this is the last school-based stage of the process. The purpose of this arrangement is to give the complainant the chance to present your arguments in front of a panel of governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.

However, the aim of a panel is not to rehear the complaint. It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations which will reassure the complainant that Pentland School has taken the complaint seriously.

The constitution of a Complaints Committee

In appointing members to the Complaints Committee, consideration must be given to the possible need for further action by the staff disciplinary/dismissal committees with regard to the issue of tainting other committees. With that in mind, the complaints committee should be small and constituted as follows:

- That a minimum of 3 governors be appointed, with a quorum of 3
- That the committee, when it meets, includes at least one parent governor
- That governors who are employed to work at the school or who may have a direct involvement or prior knowledge of the case, are precluded from membership
- That the committee has delegated powers. As such it needs formal notice, an agenda and brief minutes (care needs to be taken about the content of minutes re: tainting, when reporting back to the full governing body)
- If the governing body has not appointed a Chair, or the Chair is not available, the committee shall appoint one of their number to be chair.

Complaints Committee Process

The meeting should allow for:

- The complainant to explain their complaint and the headteacher to explain the school's response*
- Witnesses to be brought by the complainant or the headteacher.
- The headteacher and the complainant to ask questions of each other and any witnesses.
- The committee to ask questions of the complainant, headteacher and any witnesses.
- The complainant and the headteacher to summarise their position

*There may be situations in which it is not appropriate for the complainant and/or headteacher to meet in the same room or one or other of the party refuses to do so. In these cases, the Complaints Committee should make arrangements that such views and questions may still be provided to and from the Committee by the separate parties, possibly in separate rooms or at separate times.

The Complaints Committee operates according to the following procedures:

1. The governing body will convene the panel of three governors and will aim to arrange for the panel meeting to take place **within 20 school days**.
2. The Chair of the Complaints Committee should contact the complainant and invite them to the meeting.
3. The complainant will be asked whether they wish to provide any further written documentation in support of their appeal.
4. The headteacher or complaint investigator will be asked to prepare a pack of the documentation related to the investigation and the outcome for the panel (i.e. containing letter, emails, written responses from the school). The panel can request additional information from other sources if necessary.
5. The complainant will be informed at least 5 days in advance of the date, time and place of the meeting. We hope the complainant will feel comfortable with the meeting taking place in school but we will do what we can to make alternative arrangements if the complainant prefers.
6. With the letter, the complainant will receive any relevant correspondence or reports regarding previous stages and will be asked whether they wish to submit further written evidence to the panel. Any additional documentation should be submitted prior to the review panel meeting.
7. The letter will explain what will happen at the panel meeting and that the complainant is entitled to be accompanied to the meeting. The choice of person to accompany them is their own, but it is usually best to involve someone in whom the complainant has confidence but who is not directly connected with the school. They are there to give support but also to witness the proceedings and to speak on behalf of the complainant if they wish.
8. In exceptional circumstances, and if it is necessary in the interests of ratifying the investigative process, the complaint investigator may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by the complainant to attend the meeting.
9. The Chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for the complainant and will do his or her best to put them at their ease.
10. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.

11. The chair of the panel will ensure that the meeting is properly minuted. The complainant will receive the written outcome of the panel meeting which should give them all the information they require. However, if the complainant feels they would like a copy of the minutes, this needs to be indicated in advance so that the clerk can be asked to maintain confidentiality in the minutes, given the sensitive nature of the discussion.
12. In closing the meeting, the chair will explain that the Committee will now consider its decision and that written notice of the decision will be sent to the complainant and the headteacher within three school days. All participants other than the Committee and the clerk will then leave.
13. The Committee will then consider the complaint and all the evidence presented in order to:
 - dismiss the complaint in whole or in part
 - uphold the complaint in whole or in part
 - decide on the appropriate action to resolve the complaint
 - recommend changes or actions to the school system and procedures to make sure similar problems do not reoccur
 - request an investigation by an officer of the Local Authority
14. The clerk/chair of the Committee will send the complainant and the headteacher a letter outlining the decision of the Committee. The letter will also explain that the complainant are entitled to have the handling of the complaint reviewed by the Secretary of State for Education. This will be sent to the complainant **within 15 school days**.
15. The Complaints Committee should feedback to the headteacher and governors who may choose to revisit or review their policies
16. The school will keep a copy of all the correspondence and notes on file in the school's records but separate from pupils' personal records.

Closure of Complaints

- Very occasionally, a school and/or the LA will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.
- We, and the LA where appropriate, will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainants' wishes. Sometimes it is simply a case of 'agreeing to disagree'
- If a complainant persists in making representations to the school or to the LA, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
- For this reason we are entitled to close correspondence (including personal approaches, letters and telephone calls) on a complaint where we feel that we

have taken all reasonable action to resolve the complaint and the complaint has exhausted our official process. The LA will support us in the position, and especially where the complainant's action is causing distress to staff and/or pupils.

Where a complainant has been through the school's internal complaints procedures and is still unhappy with the outcomes or decision from the governing body, they can contact the Secretary of State for Education via the DfE website: www.education.gov.uk, by telephoning 0370 0002288 or by writing to the address below:

The School Complaints Unit (SCU)
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Please enclose with your letter to the DfE a copy of the complaints outcome. This will save time in that the DfE will not need to ask Pentland's view of what has happened.

We would advise parents that, unless the school is shown to have behaved unreasonably or not to have followed our own procedures, there is likely to be little further action that can be taken, as governing bodies are empowered to deal with many issues without reference to either the LA or the Secretary of State.

Other sources of information and advice

Ofsted has powers to investigate certain complaints by parents about their child's school for the purpose of deciding whether to use its inspection powers. For further information see the Ofsted website:

<http://www.ofsted.gov.uk/resources/complaints-ofsted-about-schools-guidance-for-parents>

Parents may also comment on their view of the school under twelve headings on Parent View:

<http://parentview.ofsted.gov.uk/>

