

# COMPLAINTS POLICY

Last reviewed: January 2020  
Date for next review: January 2022



# NO OUTSIDERS

**# EVERYONE IS WELCOME.**

*'Aspire to be Amazing'*

*Ashton Hayes Primary School  
Church Road, Ashton Hayes, Chester, Cheshire CH3 8AB*



Erasmus+



## *Ashton Hayes Primary School Complaints Procedure Statement*

*Last reviewed: January 2020  
Date for next review: January 2022*

The policy was written in the Spring term 2020 by the Headteacher and Chair of Governors. It is reviewed bi-annually by the Headteacher and approved by the Full Governing Body in the Spring term.

We hope that you will be happy with your child's time whilst at Ashton Hayes Primary School. However, if you have a complaint, the procedures below should be able to guide you.

This policy provides the framework within which any person may raise a complaint and have confidence that it will be considered seriously and dealt with appropriately. Ashton Hayes Primary School has a strong commitment towards working in positive partnership with the whole school community. This policy outlines the system and route for complainants to make the school aware of their concerns. We need to ensure that we comply with requirements about handling complaints. These are contained in The Education (Independent School Standards) (England) Regulations 2010.

It is important for complainants to decide whether their complaint is worthy of using the Ashton Hayes Primary School complaint procedure. It may be worth asking the question, **'Is this a concern or a complaint?'** The answer to this question should help a complainant know how best to deal with the issue. Whatever the answer, complainants should aim to deal with issues as informally as possible; ideally face to face with a member of staff at an appropriate time which has been mutually agreed. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. Where an individual may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be investigated and followed up.

### **Complaints about the school**

These procedures, or indeed the general procedure for dealing with complaints of any kind, can be summed up as follows:

1. The matter should be broached with the class teacher.
2. If a satisfactory conclusion is not achieved then an appointment should be made with the Headteacher through the school office.
3. If a satisfactory conclusion is still not reached then a formal complaint in writing can be made either to the Chair of Governors, whose address can be obtained from the school office, or to the LA.
  - a) The complaint will be investigated by the appropriate people and a panel set up to consider the complaint at which the complainant may make an oral presentation to supplement the written complaint.
  - b) Notification of the outcome will be given in writing.
  - c) Only after exhausting the school's policy for handling complaints may a complainant be able to complain to the Secretary of State.
    - Complaints about the actions of individual teachers should, in the first instance, be taken up with the Headteacher.
    - Complaints about the actions of the Headteacher should be taken up with the Chair of Governors.

Should you wish to make a complaint about the National Curriculum or Religious Education or Acts of Worship there is a Cheshire West and Chester Council set of procedures which are available on request.

If complainants are in any doubt about where to direct their complaint they should contact CWaC, who will then make the necessary arrangements or advise the complainant about what steps to take.

**Policy Principles**

- To encourage resolution of problems by **informal** means wherever possible
- To be easily **accessible** and **publicised**
- To be **simple** to understand and use
- To be **impartial**
- To be **non-adversarial**
- To allow **swift** handling with established **time-limits** for action and keeping people informed of the progress
- To ensure a full and **fair** investigation by an independent person where necessary
- To respect people’s desire for **confidentiality (no use of social media to highlight complaint)**
- To address all the points at issue and provide an **effective** response and **appropriate** redress

This procedure will be relied upon in respect of all complaints against the school except in the following areas, where separate policies and procedures exist:

- Child protection allegations
- Exclusions
- Provision of collective worship and religious education
- Disciplinary issues relating to members of staff
- Allegations of abuse

Details of these policies and procedures can be found on the school website.

**Stages of Complaint**

Stages 1 and 2 are informal. Stages 3 and 4 are formal and should only be triggered in exceptional circumstances. Complainants who have missed out stages in the procedure will be referred back to the appropriate stage.

<b>Stage One Informal</b>	If you have concerns about any aspect of your child’s education and/or welfare you should first raise these concerns with the relevant member of staff, their immediate manager or a senior manager in an attempt to resolve the issue. This can be done by seeing the member of staff at the end of the school day or by telephoning the school office to make an appointment.
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<p>Stage Two <b>Informal</b></p>	<p>If you are not satisfied after Stage 1, write to the Headteacher. They will investigate the complaint and respond in writing within ten (10) school days.</p> <p>If your complaint relates to the Headteacher, write to the Chair of Governors in a sealed envelope with '<u>confidential</u>' written on it via the school office, and she will arrange for the complaint to be investigated and respond within ten (10) school days. The Chair may call upon a Governor with specific expertise to review or undertake the investigation. See 'Complaint Form' to structure your complaint.</p> <p>Complainant has fifteen (15) school days to consider the decision before implementing Stage 3. If no response is received within fifteen (15) school days it will be deemed that the decision is accepted and the case will be closed.</p>
<p>Stage Three <b>Formal</b></p>	<p>If you are not satisfied after Stage 2, write to the Chair of Governors by completing the 'Complaint Form' and sending it via the school office in a sealed envelope with '<u>confidential</u>' written on it, who will convene a Complaints Panel of at least two (2) people who were not directly involved in the matters detailed in the complaint. The panel will hear the complaint within fifteen (15) school days. Neither the Headteacher nor the Chair of Governors can be members of the panel as they will already have been involved in handling the complaint.</p> <p>The Complaints Panel is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. You will be entitled to attend the panel hearing and be accompanied if you so wish. This meeting will be clerked and those concerned will be allowed to bring witnesses if this is appropriate. The panel will give a decision in writing without delay or within ten (10) school days of the hearing to you. A copy of the decision will be forwarded to any persons who are the subject of your complaint and the Headteacher.</p> <p>* No meetings will be sound recorded, that this will be stated at the commencement of the meeting before the Governing Body and that if the complainant does still go ahead and records the meeting it will not be considered as part of the investigation of the complaint.</p>
<p>Stage Four <b>Formal</b></p>	<p>The results of the hearing will be final and following ratification of the outcome, you will be advised that the matter is closed as far as the school is concerned. If you remain dissatisfied the complaint maybe referred to the Secretary of State. Further details can be found at: <a href="http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school">http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school</a></p>

### **Investigating Complaints**

At each stage of the investigation process, the person investigating the complaint ensures that they

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning; and
- keep notes of the interview.

### **Resolving Concerns and Complaints**

When there are particular concerns which complainants wish to share, the school encourages them to contact the school by telephone or email/letter so that the matter can be dealt with quickly and informally.

For clarity: there is a difference between a concern and a complaint.

- Concerns ought to be handled, if at all possible, without the need for formal procedures.
- Complaints will be dealt with openly, fairly, promptly and without prejudice.

- The School reserves the right to treat communications with parents as formal complaints even if parents/carers do not request this in the communication.

At each stage in the Complaints procedure schools will keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following, an:

- apology;
- explanation as to why something happens in the way it does;
- admission that the situation could have been handled differently or better;
- assurance that the event complained of will not recur;
- explanation of the steps that have been taken to ensure that it will not happen again;
- undertaking to review school policies in light of the complaint.

### **Vexatious Complaints**

There will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same or substantially the same or any other issue where the Chair of Governors reasonably believes that the aim of the complainant is to cause stress to the school or is unreasonably made, the Chair of Governors will inform them in writing that the procedure has been exhausted and that the matter is now closed in accordance with the following procedure:

**Stage 1** - if the communication/complaint from a single person meets our definition of vexatious or persistent complaint (see below), a warning letter will be issued setting this out and expressing a view that if the behaviour does not change, we will deem the complaints vexatious and that a person's right to access the complaints procedure or communicate with the school will be restricted.

**Stage 2** - if the behaviour continues, the following restrictions will be put in place - email contact via a specific address or communication in writing only; meetings with two members of staff; calls to a specific person; no need to acknowledge letters etc. As long as parent still receives necessary information about the child, the other restrictions are within the school's discretion. Obviously, if the letters become threatening etc, then police involvement, action under Protection from Harassment Act 1997, would have to be considered.

**Vexatious complaints** - are complaints made, regardless of their merits, solely to harass, worry or annoy the person / organisation subject of the complaint. It may take the form of a primary frivolous complaint or may be the repetitive, burdensome, and unwarranted filing of meritless complaints. Filing vexatious complaints is considered an abuse of the school's complaints system and may result in stage 1 and/or stage 2 above being taken against the complainer.

A single complaint, even a frivolous one, is usually not enough to raise a complainant to the level of being declared vexatious.

### **Publication of Procedure**

This procedure will be made available on the school website.

Agreed: January 2020

Signed –

Chair of Governors: 

Mrs S Varey

Headteacher: 

Mr M Hover

*Appendix 1*

*School Complaints Procedure*

*Please complete and return to the Headteacher (Stage Two Informal) or the Chair of Governors (Stage Three Formal), who will acknowledge receipt and explain what action will be taken.*

<i>Your name</i>		
<i>Child's name</i>	<i>Year Group</i>	
<i>Your relationship to the child</i>		
<i>Address</i>		
<i>Telephone number</i>	<i>(daytime)</i>	<i>(evening)</i>
<i>Please give details of your complaint</i> <i>(Include details of actions already taken by the school to try to resolve the situation)</i>		
<i>What actions do you feel might resolve the problem at this stage?</i>		

*Are you attaching any paperwork? If so please give details.*

*Signature*

*Date*

*Official Use by School*

*Date acknowledgement sent: By*

*Whom?*

*Complaint referred to:*

*Date:*

*All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000.*