



# Complaints Policy- Shorefields School

## Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the school website. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## Legislation

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## Compliments

These are always welcome and very encouraging to teachers and staff. The school encourages feedback or opinions from pupils and parents. In practice this dialogue is continuous, sometimes directly and also indirectly, for example, through the Parents' Association. It may not always be possible to act immediately but pupils and the school always benefit so please don't hold back.

**The DfE guidance explains the difference between a concern and a complaint:**

## Concerns

It is natural that parents may, occasionally, be concerned about an aspect of their child's education or welfare at school. This could include issues concerning the school's approach to aspects of the curriculum, homework, behavioral problems, or any other issue.

The school welcomes enquiries from parents about any matter. Teachers and staff will explain the school practices, policies, and how they affect the pupils. The vast majority of concerns will be handled by the class teacher or by the strand lead/deputy head if this is more helpful. If in doubt, keep asking until you are completely satisfied as all staff are eager to help.

The usual format is to speak to the child's class teacher in the first instance, or to contact the school office to arrange an appointment to discuss your concern with whoever you wish. At all times the staff will help to

resolve a problem. If occasionally parents feel they must state their concern formally, this too is not a problem. The school has defined procedures for handling complaints so don't be embarrassed if you feel an issue warrants more attention.

## **Complaints**

The procedure is again to speak to the child's class teacher in the first instance, or contact the school office to arrange an appointment to discuss your complaint with whoever you wish.

The school's policy is to follow the Local Authority (Essex County Council) guidelines when handling concerns and complaints. Just ask if you would like advice or a copy. It would be unusual to deviate from these procedures but the school always retains discretion in these matters.

## **Scope**

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

In summary, the nationally accepted procedure is divided into three stages:

**Stage 1** aims to resolve the concern through informal contact at the appropriate level in school.

**Stage 2 and 3** are the formal stages where written complaints are considered by the headteacher or a designated governor (usually the Chair of Governors), who has responsibility for dealing with complaints.

**Stage 4** is the next step once Stage 2/3 is complete. It involves a complaints review panel of governors.

If you should need to refer to the full procedures, please ask at the school office. All staff are familiar with the guidelines and have a duty to help parents needing advice. Please don't feel you are making a fuss. These procedures have been carefully compiled and their reference, however rare, is routine to help pupils, parents and the school.

# Complaints Procedures

## Our procedures for dealing with general concerns

The majority of concerns from parents, carers and others are handled under the following general procedures.

The procedure is divided into three stages:

**Stage 1** aims to resolve the concern through informal contact at the appropriate level in school (as described on pages 2 and 3 of this guidance).

**Stage 2** is the first formal stage at which written complaints are considered by the headteacher

**Stage 3** is the second formal stage when written complaints are considered by the Chair of Governors

**Stage 4** is the next stage once Stage 3 has been worked through. It involves a complaints review panel of governors.

How each of these stages operates is explained below:

### Stage 1 – Your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's class teacher.
2. We will see you, or contact you by telephone or in writing, as soon as possible after your concern is made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. 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.
3. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed. We will confirm this in writing to you.
4. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.
5. We will discuss with you (normally within ten working days) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
6. 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.

### Stage 2/3 - Formal consideration of your complaint

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.

1. Normally, your written complaint should be addressed to the headteacher. If, however, your complaint concerns the headteacher personally, it should be sent to the school marked "For the attention of the Chair of Governors".
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three working days.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond in full within ten working 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 be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The headteacher, or chair of governors may also be accompanied by a suitable person if they wish.

7. Following the meeting, the headteacher or chair of governors 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 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. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
9. 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.
10. The headteacher or chair of governors will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the headteacher's chair of governors' decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. If you are not satisfied with the outcome of the Stage 2/3 investigation and the schools findings, you may wish to proceed to Stage 4, as described below.

## Closure of complaints

- Very occasionally, a school will feel that it needs, regrettably, to close an complaint where the complainant is still dissatisfied.
- We 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 complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- If a complainant persists in making representations to the school – to the headteacher, designated governor, chair of governors or anyone else - 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, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint.

## Stage 4 - Consideration by a complaints review panel

- If your concern has already been through Stages 1, 2 and 3 and you are not happy with the outcome, the Chair of Governors will instruct the Clerk to set up a complaints review panel to consider it. This is a formal process, and your ultimate recourse at school level.
- The purpose of this arrangement is to give your complaint a hearing in front of a panel of governors who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.
- The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.

The complaints review panel operates according to the following formal procedures:

1. The clerk to the governing body will aim to arrange for the panel meeting to take place within **20 working days**.

2. The clerk will ask you whether you wish to provide any **further written documentation** in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
3. The headteacher will be asked to prepare a **written report** for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
4. The clerk will inform you, the headteacher, any relevant witnesses and members of the panel by letter, at least **five working days** in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.
5. With the letter, the clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit **further written evidence** to the panel.
6. The letter will explain what will happen at the panel meeting and the clerk will also inform you that **you are entitled to be accompanied** to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. With the agreement of the chair of the panel, the headteacher may invite **members of staff** directly involved in matters raised by you to attend the meeting,
8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to **put you at your ease**.
9. As a general rule, no evidence or witnesses **previously undisclosed** should be introduced into the meeting by any of the 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.
10. The chair of the panel will ensure that the meeting is properly **minuted**. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
11. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a **copy of the minutes** it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes.
12. During the meeting, you can expect there to be opportunities for:
  - you to explain your complaint;
  - you to hear the school's response from the headteacher;
  - you to question the headteacher about the complaint;
  - you to be questioned by the headteacher about the complaint;
  - the panel members to be able to question you and the headteacher;
  - any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
  - you and the headteacher to make a final statement.
13. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the headteacher and yourself **within two weeks**. All participants other than the panel and the clerk will then leave.
14. The panel will then consider the complaint and all the evidence presented in order to:
  - reach a unanimous, or at least a majority, decision on the complaint;

- decide on the appropriate action to be taken to resolve the complaint;
- recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.

15. The clerk will send you and the headteacher a written statement outlining the decision of the panel **within two weeks**. The letter will explain what further recourse, beyond the governing body, is available to you.

We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records, this is followed in compliance with GDPR policies.

16.

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE.

The Secretary of State  
Department for Education (DfE)  
Castle View House  
East Lane  
Runcorn  
Cheshire  
WA7 2GJ  
Tel. 0870 000 2288  
Fax. 01928 794248  
Textphone/Minicom: 18001 0870 000 2288

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

## Record Keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy/record retention schedule which are available on our school website.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

## Other sources of information and advice

If your concern is about an aspect of **special needs provision**, which might include information about relevant voluntary organisations and support groups in Essex, you might like to talk to our **SEND information advice and support service helpline**:

Email: [SEND.IASS@essex.gov.uk](mailto:SEND.IASS@essex.gov.uk)

Tel: 03330 138913

Complainants do of course have the right to seek legal advice from a solicitor or from such organisations as the Corams Children's Legal Centre.

**Head Office:** Coram Children's Legal Centre, Riverside Office Centre, Century House North, North Station Road, Colchester, CO1 1RE. **DX:** 3616 Colchester **Tel:** 01206 714 650 **Fax:** 01206 714 660

Email: [info@coramclc.org.uk](mailto:info@coramclc.org.uk) (for general queries only, we cannot answer legal queries via email)

**PLEASE NOTE THAT THIS NUMBER IS NOT ABLE TO PROVIDE LEGAL ADVICE OR PROVIDE A REFERRAL TO THE CHILD LAW ADVICE SERVICE.**

**PLEASE FOLLOW THE LINK BELOW FOR THIS SERVICE**

[http://www.childrenslegalcentre.com/index.php?page=free\\_legal\\_advice](http://www.childrenslegalcentre.com/index.php?page=free_legal_advice)



**Complaint Form- Shorefields School**

Please complete and return to the [*Headteacher/Chair of Governors*] who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

**What actions do you feel might resolve the problem at this stage?**

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**