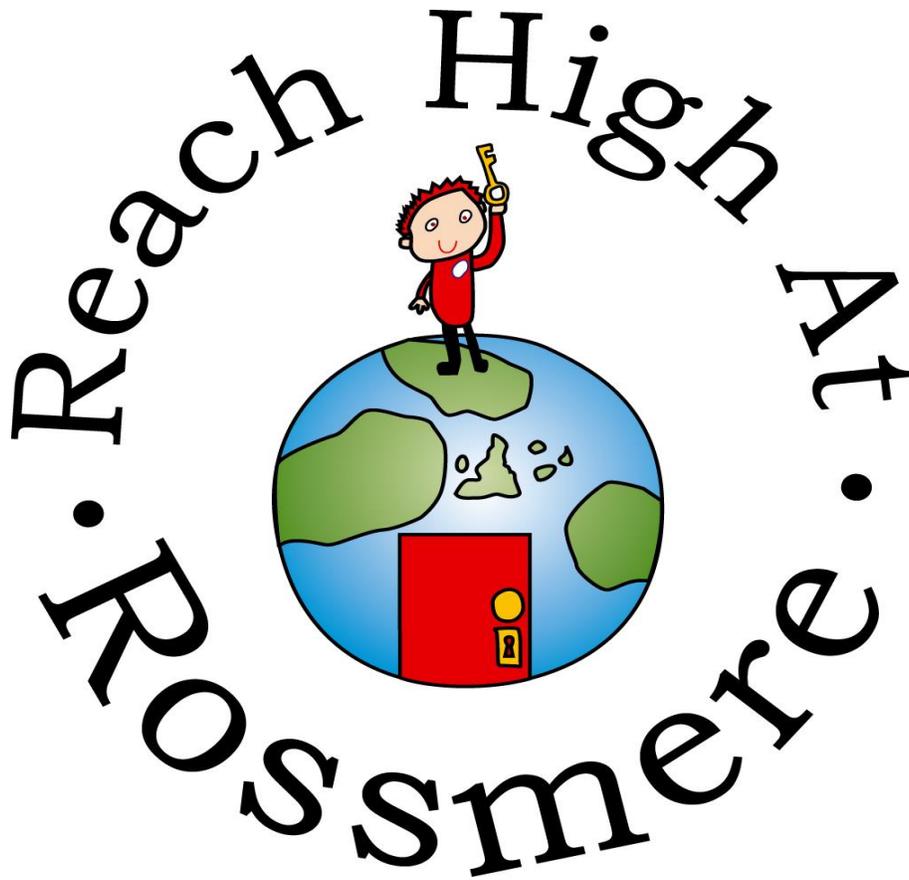


# ROSSMERE PRIMARY SCHOOL



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## COMPLAINTS AND CONCERNS POLICY AND PROCEDURES

ADOPTED BY THE GOVERNING BODY

SPRING 2016



# Complaints and Concerns Procedures and Policy

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# Complaints and Concerns Procedures and Policy

## Introduction

The school complaints procedure policy was developed from the guidance from the government website <https://www.gov.uk/complain-about-school> and the policy was approved and ratified by the Pupils and Personnel Committee during the Spring Term 2013.

## Aims

At Rossmere Primary school, we aim to maintain a caring, supportive and disciplined learning environment where children benefit from the best possible education. All staff are committed to this aim. We would like to know if you think we are not meeting your expectations so that we have an opportunity to respond. We would also like to know your opinion on the things we do well.

## Summary of the Policy

Rossmere Primary school's complaints policy includes five levels of the complaints procedure and guidance :-

- 🕒 Level 1 – informal (appointment with class teacher)
- 🕒 Level 2 – informal (appointment with the Key Stage Leader)
- 🕒 Level 3a – informal (appointment with the Head teacher or Deputy Head Teacher)
- 🕒 Level 3b – formal complaint letter to the Headteacher
- 🕒 Level 5 – formal complaint requesting a Governors' Complaints Panel.

Please note: The complaints procedure also addresses the process to follow when concerns or complaints are raised about a specific governor(s).

## Procedure for handling concerns and complaints at Rossmere Primary School

Each level of the procedure set offers the opportunity for concerns and complaints to be resolved as quickly as possible.

### A - Level 1 – Informal

Parents, carers or guardians should, in the first instance, make an appointment to speak to the class teacher about the concern. It is best to resolve issues at this point.

#### **Guidance on informal level 1:**

- 🕒 *Concerns should initially be handled informally in a manner that offers the best way of resolving issues.*
- 🕒 *A class teacher should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.*
- 🕒 *It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.*
- 🕒 *The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.*

## **B - Level 2 – Informal**

Parents, carers or guardians dissatisfied with the result of the discussions with the class teacher they should ask for an appointment to meet with the Key Stage Leader.

If a resolution to the issue is proving difficult to find, the Key Stage Leader can speak to the Headteacher or Deputy Head teacher about the issue, who may be willing to offer informal intervention.

If everyone involved is unable to resolve the issue then it may be necessary to ask for information or support from Hartlepool Borough Council. The issue that is the focus of the complaint will determine the person contacted. The Headteacher should advise on who the complainant should contact.

### ***Guidance on informal level 2:***

-  *It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the teacher or Phase leader then he/she can ask for an appointment to meet with the Headteacher.*
-  *It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.*
-  *The aim should be that discussions end on a positive note with no bad feeling.*
-  *The advice from a Children's Services Representative will be designed to help facilitate a resolution to the problem as quickly as possible. It is hoped that most problems will have been resolved by now.*

## **C - Level 3 – informal & formal complaint letter to Headteacher**

### **Level 3a – Informal**

Parents, carers or guardians dissatisfied with the result of the discussions with the class teacher and Key Stage Leader they should ask for an appointment to meet with the Headteacher or Deputy Headteacher.

If a resolution to the issue is proving difficult to find, the Headteacher, can speak to one member of the governing body about the issue who may be willing to offer informal intervention. However, there is no obligation on any governor to become involved at this level.

If everyone involved is unable to resolve the issue then it may be necessary to ask for information or support from Hartlepool Borough Council.

### **Level 3b – formal complaint letter to Headteacher**

An issue that has not been resolved through the informal levels 1, 2 and 3a, can become an official complaint.

Parents, carers or guardians wishing to move to level 3b must write a formal letter of complaint to the Head teacher. The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer or guardian considers the issue to be unresolved.

The Head teacher will acknowledge the written complaint immediately, consider the complaint and discuss a resolution with the complainant. The Headteacher will respond to the complainant in writing within 10 school days of receipt of the letter.

### ***Guidance on level 3b- formal:***

-  *An unresolved issue can now move to a formal complaint. This is a serious step to be taken. In consideration of future home/school relationships everyone concerned will need to negotiate an agreement and concentrate on finding a resolution to the issue.*

## **Concerns or complaints specifically about the Headteacher**

The decision that the Headteacher has made as a result of the level 3 complaint does not become a complaint about the Headteacher. If the complainant feels the complaint has not been resolved he/she should proceed to Level 4, a Governors' Complaints Panel.

If the concern or complaint is specifically about the Headteacher and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of Governors. The school will provide the Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 10 school days of receipt and contact a Governor Support Service Officer for advice.

## **Concerns or complaints specifically about a governor**

### **Complaints against Chairs of Governors**

In the event of a formal complaint being made against the Chair of Governors, which is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Vice-Chair of Governors. The school will provide the Vice-Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Vice-Chair of Governors should acknowledge the complainant's letter in writing within 10 school days of receipt.

A governor who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force. The complaint will be considered to be a Level 4 – formal complaint and therefore will be considered by Governors' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances. If the complaint is upheld or upheld in part, the committee may make recommendations to the Governing Body. If necessary the complaints panel may be composed of governors from another school within Hartlepool Borough Council.

### **Complaints against Governors**

A formal complaint against a governor other than the Chair should be referred to the Chair, who will investigate seek to resolve it. The school will provide Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 10 school days of receipt. A governor who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force. If it cannot be resolved by the Chair, the complaint will be considered to be a Level 4 – formal complaint and therefore will be considered by Governors' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances. If the complaint is upheld or upheld in part, the committee may make recommendations to the Governing Body. If necessary the complaints panel may be composed of governors from another school within Hartlepool Borough Council.

Governors co-opted or elected on to the governing body can be suspended for a period of up to six months. Governors appointed by the Local Authority can be suspended or removed from the governing body.

## **D - Level 4 – formal complaint requesting a Governors’ Complaints Panel**

Time Scales:

Complaint Process	Action Time
1. Receipt of complainant’s letter	1. Acknowledgement within 10 school days
2. Receipt of complainant’s letter	2. Governors’ Panel meeting within 15 school days (unless this goes into school holidays)
3. Written documentation sent to Governors’ Panel Members and complainant and Headteacher	3. 10 school days before meeting.
4. Governors’ Panel members decision communicated to all concerned	4. As soon as possible but within 10 school days of meeting.

Complainants wishing to move to level 4 of the formal complaints procedure will need to write a letter to the Chair of Governors to request that a Governors’ Complaints Panel meets to hear the complaint. This formal complaint letter must be received within 20 school days of the last meeting with the Headteacher concerning the issue. The complainant should write to the Chair of Governors at the school address marking the envelope ‘urgent and confidential’. The letter will need to set out the complaint that has previously been formally discussed with the Headteacher and show why the matter is not resolved. Additionally it should detail what actions would resolve the complaint. A template letter is included as **appendix A** to this complaints procedure.

### **Before the meeting:**

The Chair of Governors should:

-  appoint a clerk to the Governors’ Complaints Panel
-  acknowledge the complainant’s letter in writing within 10 school days of receipt
-  arrange for a panel of governors to meet within 15 school days of receipt
-  provide the Head teacher with a copy of the complainant’s letter, and request written documentation relevant to the complaint from the school

The clerk should send both the complainant’s letter and the school documentation to the Governors’ Complaints Panel members, complainant and Headteacher (and anyone else involved in the meeting) at least 5 school days before the date of the meeting.

The complainant and Headteacher will be invited to attend the Governor’s Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

### **At the meeting:**

The complainant and Head teacher (or his/her representative) should provide all the relevant information they wish and the Governors’ Complaints Panel members should clarify any points. After the complainant and Head teacher (or his/her representative) have provided all the information they wish, the Chair will ask all parties to leave except the panel members and the clerk.

### After the meeting:

The Governors' Complaints Panel will write to all concerned within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the Governor's Complaints Panel is final.

The decision of the Governors' Complaints Panel will not be investigated. If, however, the complainant feels that the School and Governors have not followed the school's complaints procedure correctly, he/she can contact Hartlepool Borough Council for assistance. In this case he/she should ring Governor Services on 01429 266522, who will arrange for an officer to contact him/her.

A complaint may be made to the Secretary of State for Education if a person believes that a governing body or LA is acting 'unreasonably' or is failing to carry out its statutory duties properly (see sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the governing body or the LA has failed to carry out a legal duty or has acted unreasonably in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision.

### Guidance on level 4 - formal:

#### Before the meeting:

*The Complaints Panel must be made up of at least three members and a clerk. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.*

#### At the meeting:

*The aim of the meeting, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.*

- ⦿ *Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.*
- ⦿ *Everyone attending should be in the room at the same time*
- ⦿ *Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.*
- ⦿ *The clerk should take notes of the meeting, including listing who is present:*
  - *Governors, stating who is the Chair of the Governors' Complaints Panel*
  - *Headteacher (or his/her representative) and any other members of school staff*
  - *Parents and anyone accompanying them e.g. friend Clerk*
- ⦿ *These minutes will remain confidential.*
- ⦿ *The Chair of the Governors' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.*
- ⦿ *People present should introduce themselves stating their reason for being at the meeting.*
- ⦿ *The Chair of the Governors' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why she/he feels the issue has not been resolved. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the complainant's point of view.*
- ⦿ *The Chair of the Governors' Complaints Panel should request a verbal statement from the Head teacher (or his/her representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the Head teacher's point of view.*
- ⦿ *The members of the Governors' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.*
- ⦿ *The chair of the Governors' Complaints Panel must ask the complainant and the Head teacher (or his/her representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.*
- ⦿ *When the Governors' Complaints Panel members understand all the issues, the Chair will ask all parties to leave except the panel members and the clerk*

### After the meeting:

- *The Governors' Complaints Panel members then discuss the issues in private and the clerk remains to record the decision.*
- *The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.*
- *The panel can:*
  - *dismiss the complaint in whole or in part;*
  - *uphold the complaint in whole or in part;*
  - *decide on the 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.*
- *When the Panel have reached a decision the clerk will inform everyone concerned in writing as soon as possible, but in any event, within 10 school days of the panel meeting. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.*

*The decision of the Governor's Complaints Panel is final.*

Once a Governor's Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the Chair of Governors should inform the complainant that the matter is closed.

Vexatious Complainants: it is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered as to whether it is vexatious or genuine. There is no way of avoiding evaluating each complaint.

### **Exceptions to the Policy**

The exceptions to this requirement are complaints relating to the Curriculum, Collective Worship and Religious Education, some Special Educational Needs issues And Admission, where Local Authorities have statutory responsibilities. The Headteacher or Deputy Headteacher can give information about this, and advice on who to contact in Hartlepool Borough Council.

There are certain other complaints which fall outside the remit of the governing body's complaints procedure, for example, staff grievances or disciplinary procedures.

Allegations of abuse against a member of the school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Governors immediately. Immediate contact must be made by the Headteacher or Chair of Governors with the Local Authority Child Protection Officer.

For complaints that do not fall within the definition of curriculum complaints, the responsibility for dealing with them falls entirely on the governing body. Hartlepool Borough Council may not take over this responsibility, and appeals against governing body decisions and procedures would be heard by the Secretary of State.

Any complaints concerning the conduct of school staff will be handled in accordance with the schools internal disciplinary procedures. The details of such an investigation will remain confidential. Extended Schools: the governing body will ensure that any third party provider offering activities and services through the extended schools programme has their own complaints procedure in place. If a third party provider's complaints process is exhausted and the matter is not resolved and it will be referred to a Governors' Complaints Panel. This ensures that the Governors are kept aware of complaints about provision.

## **Racial Equality & Equal Opportunities**

All children have equal access and inclusive rights to the curriculum regardless of their age, gender, race, religion, belief, disability or ability. We plan work that is differentiated for the performance of all groups and individuals. Rossmere Primary School is committed to creating a positive climate that will enable everyone to work free from racial intimidation and harassment and to achieve their full potential. Policies are available on each of these that expand on this further.

All staff have equal access and inclusive rights to their work regardless of their age, gender, sexual orientation, race, religion, belief, disability or ability. Rossmere Primary School is committed to creating a positive climate that will enable everyone to work free from racial intimidation and harassment and to achieve their full potential. Policies are available on each of these that expand on this further.

## **Review**

As part of the three year rolling programme this policy will be reviewed in **Spring 2019** unless changes in legal guidelines and framework.

To be reviewed by the Headteacher

## APPENDIX A

### Complaint letter template for Rossmere Primary School

Please complete and return to the Chair of the Governing Body who will acknowledge receipt and explain what action will be taken.



<b>Your Name:</b>	<b>Pupil's Name:</b>
<b>Your Relationship to the Pupil:</b>	
<b>Address:</b>	<b>Telephone Number(s):</b> <b>Home:</b> <b>Work:</b> <b>Mobile:</b>
<b>Details of the complaint:</b>	
<b>What action, if any, have you already taken to try and resolve your complaint?</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Are you attaching any paperwork? If so, please give details.</b>	
<b>Signature:</b>	<b>Date:</b>

**Outcome: Resolved / To be taken further / Needs to be re-visited in future** *(delete as appropriate)*

**Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Full name school member:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Full name Parent/Member of public:** \_\_\_\_\_

## APPENDIX B

Rossmere Primary School  
Catcote Road  
Hartlepool  
TS25 3JL



INVESTOR IN PEOPLE



Headteacher:  
Mrs L Pawley  
Deputy Headteacher  
Mrs D Anderson  
Assistant Headteacher:  
Mrs J Claydon  
Mrs K Anderson

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Telephone: (01429) 274608 Fax: (01429) 235282 [www.rossmereschool.org.uk](http://www.rossmereschool.org.uk) E-mail: [admin@rossmereschool.org.uk](mailto:admin@rossmereschool.org.uk)

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### Information for Parents

Rossmere Primary School wants pupils to be healthy, happy and safe, and do well.  
Co-operation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in the school.

#### ***I have something I would like to discuss with the school...***

Take time to read this leaflet.

Remember that there is usually more than one view about a situation. Make sure that what you want to discuss is clear in your mind. A good tip is to write down the main points so that you don't forget anything.

First consider asking to see the teacher to discuss the issue. They will be willing to offer an appointment as quickly as possible, which will give you both time to talk about it politely and calmly without being interrupted. Think about what you hope will happen as a result of your discussion and let the teacher or head of year know this.

#### **What should I do if I still feel unhappy about the issue?**

If you are unhappy with the outcome of the discussions you can ask for an appointment to see the Key Stage Leader. It is in everyone's interests, particularly those of your child or children, for issues to be sorted out smoothly. It will be best to end on a positive note with no bad feeling even if it is not possible for all your requests to be met. If a solution is proving difficult the Key Stage Leader can speak to the Head teacher. If this is proving difficult the Headteacher can speak to a governor who may be willing to offer some input to help resolve the issue, but there is no obligation for any governor to become involved at this time.

If you are both finding it difficult to resolve the issue then the relevant Local Authority representative may be able to offer information or support. The person to contact will depend on the issue that is the focus of the discussions. This help and advice is designed to help resolve the issue. The Headteacher or Deputy Headteacher should know who to ring, if not, you can ring the Governors' Team on 01429 266522 or e-mail: [ann.turner@hartlepool.gov.uk](mailto:ann.turner@hartlepool.gov.uk)

#### **Most problems will have been sorted out by now**

However, if the issue has not been resolved it can become a formal complaint. This is a serious step to take and it is important that you have thought things through carefully. If you wish to follow the process for making a complaint, you must ask the school for a copy of their complaints procedure and write a formal letter of complaint to the Head teacher.

## What happens if I have a concern specifically about the Headteacher?

If you have a concern specifically about the Head teacher (*not the Head teacher's decision*) you should write to 'The Chair of Governors' at the school address, marking the envelope 'urgent, private and confidential', setting out your concern.

### Rossmere Primary School

Catcote Road

Hartlepool

TS25 3JL

☎ 01429 274608 (Office), 01429 235282 (Fax)

E-mail: [admin.rossmere@school.hartlepool.gov.uk](mailto:admin.rossmere@school.hartlepool.gov.uk)

Headteacher: Mrs C. Reed

Deputy Headteacher: Mrs. D Anderson

## What happens if my concern relates to admissions, the curriculum or special educational needs?

Some issues regarding these areas are covered by statutory regulations. The Head teacher or Deputy Headteacher can give you information about these issues.

### Weblinks and other useful contact details:

-  Hartlepool Borough Council on tel: 01429 274608
-  Parentline Plus Free helpline offering support for parents Tel: 0808 800 2222 or [www.parentlineplus.org.uk](http://www.parentlineplus.org.uk)
-  Advisory Centre for Education (ACE) Ltd 0808 800 0327 or at [www.ace-ed.org.uk](http://www.ace-ed.org.uk).
-  Childline free national helpline for children and young people Tel: 0800 1111 or [www.childline.org.uk](http://www.childline.org.uk)
-  The Children's Legal Centre National Education Law and Advisory Unit
-  Free education law advice Tel: 08088 020 008 [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)



**We hope  
that you've  
had a good  
experience**



**at**

**Rossmere Primary School**

**We pride ourselves in  
working in partnership  
with children, parents/  
carers and visitors.**

**If you are  
happy**

**with our school, please  
let us know.**

**If you're  
not happy**

**If you have any concerns/comments we would be  
happy to explore this further with you.**

**Please ask a member of our administration team  
for help.**



If you would like a copy of our Complaints and Concerns Policy and Procedures .  
Please ask a member of our administration Team