

# Kincraig Primary School and Nursery



## Complaints Policy



## **Kinraig Primary School and Nursery** **Complaints Policy**

### **Aims and objectives:**

It is a primary aim of Kinraig Primary School and Nursery that every member of the school community feels valued and respected, and that each person is treated fairly and well. We are a caring community, whose values are built on mutual trust and respect for all. The school's complaints policy is therefore designed to support the way in which all members of the school can live and work together in a supportive way.

This policy is in place to establish a procedure for dealing with complaints relating to the school, as required by section 29(1) (a) of the Education Act 2002.

### **Scope**

All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters relating to the curriculum, exclusion, admissions which are subject to separate procedures.

### **General Principles**

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, unless exceptional circumstances.
- Investigation of any complaint or review request will begin within 5 school days of receipt of the same, unless in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

### **Part A Complaining about the actions of a member of staff other than the Head Teacher.**

#### **1) Informal Stage**

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. [In the case of serious concerns it may be appropriate to address them directly to the Assistant Head, then the Deputy Head and finally the Head Teacher. An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith.

[Any dispute in relation to the "reasonableness" may be determined through the review process]

## **2) Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Head Teacher, who will be responsible for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Head Teacher may meet with the complainant to clarify the complaint.

The Head Teacher will collect such other evidence, as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend, or representative if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed]

The complainant will be told that consideration of their complaint by the Head Teacher is now concluded. If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Head Teacher in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Head Teacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed.

If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

### **Part B: Complaining about the actions of the Head Teacher**

#### **1) Informal stage**

The complainant is usually expected to arrange to speak directly with the Head Teacher. [In the case of serious concerns it may be appropriate to raise them directly with the Chair of

the Governing Body] Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

## **2) Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body who will determine which of the agreed procedures to invoke. If it is determined that the complaint is “General”, the Chair will arrange for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents. In addition the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint.

The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Head Teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Head Teacher to consider this, he/she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. A friend or representative may accompany the Head Teacher at this meeting.

When the investigation has been concluded, the complainant and the Head Teacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair is now concluded. If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

## **Part C Review Process**

Any review of the process followed by the Head Teacher or the Chair shall be conducted by a panel of 3 members of the Governing Body. The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

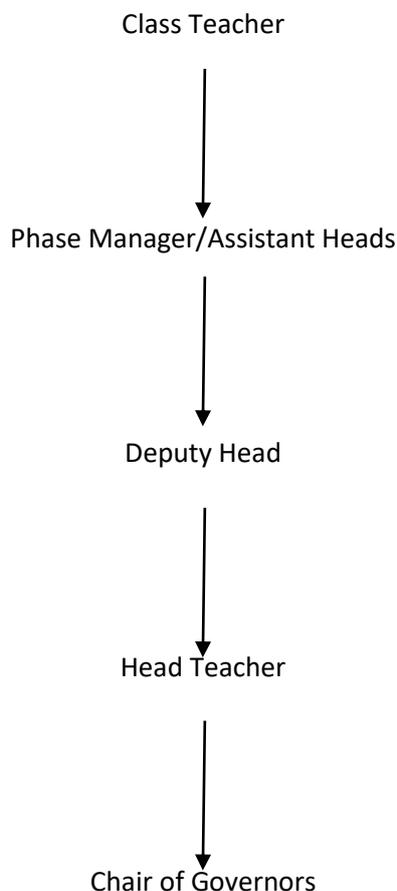
The panel will then invite the Head Teacher or the Chair, as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed. The complainant, and the Head Teacher or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation [where this is practicable ]

The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential. If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Department for Education.

### **Kincraig Complaint Procedure**



Policy Updated- 08/06/21

The Complaints Policy will be reviewed and modified on a regular basis at least every two years or when legislation makes this necessary. It is possible to add amendments to this document prior to a review and these will be incorporated into the next issue. To add comments please complete the information on this sheet adding the date and signing where indicated.

Name of person responsible for policy – Mrs. Karen Appleby

Signed: \_\_\_\_\_

Date	Proposed Amendment	Signed