

# St Matthew's CE Primary School

## Complaints Policy



# ST MATTHEW'S CE PRIMARY SCHOOL

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## **COMPLAINTS POLICY - TRAFFORD MODEL (ISSUED APRIL 2019)**

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## INTRODUCTION

The responsibility for dealing with school complaints lies with the Governing Board of each school. All schools are required, by Section 29 of the 2002 Education Act, to establish a complaints procedure and to publicise that procedure.

## WHO IS ALLOWED TO COMPLAIN?

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main, this will mean the parents and carers of the school's pupils, but may include neighbours of the school, or any other members of the local community. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints policy.

## ANONYMOUS COMPLAINTS

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants and investigation.

## TIMESCALES

The complaint must be raised within 3 months of the incident or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. Complaints made outside this time frame will only be considered in exceptional circumstances.

Complaints made outside of term time have to have been received on the first day of school after the holiday period.

## AIMS AND OBJECTIVES OF THE POLICY

This Policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good relationships between the School and all those involved

Where concerns are raised, the School intends for these to be dealt with fairly, openly and promptly. The Governing Board has approved the following procedure which explains what the Complainant should do if they have any concerns about the school.

Where appropriate, the School may offer mediation to resolve a concern or complaint at any stage of the process. The School may also use someone independent from the School to investigate a complex issue, and to report back to the Headteacher or Chair of Governors (depending on which stage of the process the complaint is being dealt with).

#### RAISING CONCERN

The majority of concerns can be dealt with informally, without reference to this Complaints Policy. Where the Complainant has a concern or query about any aspect of the school or their child's education or wellbeing, raise this with their child's class teacher in the first instance. Ideally they will be able to address the Complainants' concerns immediately or can arrange a meeting with them to discuss the issue.

All concerns will be dealt with confidentially, although it may be necessary to take notes if the matter may need to be taken further, or may arise again in the future.

#### THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage.

Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. St Matthew's CE Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, St Matthew's CE Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## HOW TO COMPLAIN

A complaint can be made in person, in writing (letter or e-mail) or by telephone.

The school must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties, and schools must allow alternative methods of contact.

Complainants should not approach individual governors to raise complaints. Governors have no power to act on an individual basis, and it may prevent them from considering complaints at a later stage.

Complaints against school staff (with the exception of those concerning the Headteacher) should be made to the Headteacher via the school office in the first instance. Please mark these as Private and Confidential.

Complaints about the Headteacher should be addressed to the Chair of Governors via the school office. Please mark these as Private and Confidential.

Any complaint made against the chair of governors or any other member of the governing board should be made in writing to the clerk to governors. Any complaint made against the entire governing board, or complaints involving the chair of governors and the vice chair of governors, should be made in writing to the clerk to governors. The clerk to governors will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.

Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented, along with the reasons for this. A Complaints Form is provided on the school's website, or can be collected from the School Office.

SCOPE OF THIS COMPLAINTS PROCEDURE

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"> <li>● Admissions to schools</li> <li>● School re-organisation proposals</li> <li>● Statutory assessments of Special Educational Needs</li> </ul>	<p>Where the school is a Local Authority maintained school, Voluntary Aided school Complaints about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Trafford Council.</p> <p>Where the school has academy status and / or is part of a multi-academy trust, concerns about admissions and or school re-organisation proposals should be raised with the Education and Skills Funding Agency (ESFA).</p>
<ul style="list-style-type: none"> <li>● Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Designated Officer (formerly LADO) who has local responsibility for safeguarding or the Multi-Agency Referral and Assessment Team on 0161 912 5125.</p>
<ul style="list-style-type: none"> <li>● Suspension and permanent exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at:</p> <p><a href="https://www.gov.uk/government/publications/school-exclusions-guide-for-parents/a-guide-for-parents-on-school-behaviour-and-exclusion">https://www.gov.uk/government/publications/school-exclusions-guide-for-parents/a-guide-for-parents-on-school-behaviour-and-exclusion</a></p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>● Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at:</p> <p><a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>

• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.  Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
• National Curriculum – content	Where the school is a Local Authority maintained school, Voluntary Aided school, please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
• Collective Worship	Please refer to the Collective Worship Policy and discuss any concerns with the Headteacher.

### INTERVIEWING WITNESSES

When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.

The school will ensure that the conduction of interviews does not prejudice a police or LA designated officer's (LADO) investigation.

The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

Staff are allowed a colleague and/or trade union representative to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

The interviewee will sign a copy of the transcription of the interview.

#### RECORDING COMPLAINTS

At all formal stages of the complaints procedure, the following information will be recorded:

- The name of the complainant;
- The date the complaint was made;
- The details of the complaint;
- The complainant's desired outcome (if this is not clear, the complainant will be asked to confirm or clarify this information);
- Details of the investigation (including written records of meetings and / or interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response.

The school may choose to appoint a member of staff as a 'complaints co-ordinator'. When this is the case, this individual will have the responsibility for the operation and management of the school complaints policy; and will be responsible for monitoring complaints. Records will be retained for the periods specified in guidance on records retention (available separately).

In order to prevent any later challenge or disagreement, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, the school may use recording devices to ensure the complainant is able to access and review the discussions at a later point.

All parties should be aware that complainants have a right to copies of these records under the Data Protection Act 2018 and General Data Protection Regulations (GDPR). Schools as public bodies may also be required to release some information as a result of a Freedom of Information Request where disclosure would not breach the data protection principles.

#### RESOLVING COMPLAINTS

At each stage in the procedure, the school aims to resolve the complaint. If appropriate, the school will acknowledge that the complaint is upheld in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that action will be taken to avoid the event or incident recurring;
- An explanation of the steps that have been or will be taken to ensure that it will not happen again;

- An undertaking to review school policies in light of the complaint.

The complainant may either choose to take no further action or to take their complaint to the next relevant stage. Where applicable, the complainant will be notified how to proceed to the next stage of the procedure.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

#### PUBLICATION AND COMMUNICATION

This policy will be made available via the school office and on the website. It may be included within the information given to new parents when their children join the school.

All staff and members of the governing Board will be made aware of the complaints procedure and the various stages involved. At all stages of the complaints procedure, every party involved needs to be clear about what is happening and what their responsibilities are.

#### CONFIDENTIALITY

Confidentiality is vital. All conversations and correspondence will be treated as confidential. Complainants' personal information will only be shared when absolutely necessary. Concerns are treated as confidential and held centrally, accessed by senior leaders to monitor progress.

Complaints 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.

#### EQUAL ACCESS, ACCOMPANIMENT AND REPRESENTATION

Appropriate steps will be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied by a friend or relative at discussions and hearings.

If a complaint concerns the Headteacher, the Governing Board are advised to seek advice from the outset. In exceptional circumstances, an independent investigation may be commissioned on behalf of either the Headteacher or Governors. Where

possible, it is preferable for the school to conduct its own investigation with appropriate support, which may include; but not be limited to; the Data Protection Officer, HR advisor and Governor Services.

#### TIME BETWEEN STAGES

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further.

After each stage, the complainant and the individual who is dealing with their complaint at that time will agree an appropriate time limit within which the next stage should be accessed, if at all, this will be confirmed in writing. If the complaint is not submitted to the next stage within this agreed time limit it will be considered as closed.

In general, the time limits and deadlines contained within this policy should be adhered to. However, in certain circumstances it may be deemed inappropriate or impractical to adhere to the deadline. Where a complaint leads to criminal proceedings this will always be the case. If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant will be told and given an explanation as to why this has been the case.

#### VEXATIOUS COMPLAINTS

The Chair of Governors can write to a complainant and refuse to consider their complaint at Stage 3 if he or she feels that there are insufficient grounds to do so, if the complaint has already been considered at this stage or if it has been closed. In both cases, the complainant has the right to complain to the Department for Education (or the EFSA in the case of Academies).

#### UNREASONABLY PERSISTENT, HARASSING OR ABUSIVE COMPLAINANTS

The Headteacher and Governing Board are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

This Policy provides information about our School Policy on unreasonably persistent complainants or harassment of staff.

## What is meant by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refusal to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- An insistence on pursuing unjustified complaints and/or unrealistic outcomes to justified complaints, pursuing complaints in an unreasonable manner (e.g. using abusive or threatening language; or making complaints in public or via social media)
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Making excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Refusing to attend appointments to discuss the complaint
- Attempting to bypass this policy
- Refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed including referral to the DfE.

## What is 'harassment'?

The following are examples of behaviour which we would deem as harassment, however this list is not exhaustive:

- Behaviour which appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- The way in which a complaint or other issues are pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- Use of threats to intimidate or act maliciously or aggressively;

- Use of abusive, offensive or discriminatory language or violence
- Knowingly providing falsified information;
- By publishing unacceptable information in a variety of media, e.g. social media websites and newspapers;
- Any behaviour which has a significant and disproportionate adverse effect on the school community.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the school's position and their options.
- The complainant contacts the school repeatedly, making substantially the same points each time.

If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if the school believes their intent is to disrupt or inconvenience the school.

The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

## APPEALS

If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual which they feel is ungrounded, unjustified or incorrect they have the right to appeal. Appropriate Appeals procedures will be followed in order to facilitate this.

### THE STAGES OF THE COMPLAINT

#### STAGE 1 (INFORMAL): COMPLAINT HEARD BY STAFF MEMBER

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. Staff are made aware of the procedures, they will know what to do when they receive a complaint and will be able to explain how to access this policy. The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the headteacher/complaints co-ordinator can refer the complainant to another member of staff.

The member of staff the complaint has been made against can discuss the concern with the headteacher to seek support.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept alongside a copy of any written response, which can all be added to the central CPOMS record (and tagged 'parent/carer concern') if it links to child within the school, or emailed to the headteacher if it doesn't not link to a child.

The ability to consider the complaint objectively and impartially is crucial. Where the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure.

Governors should not act unilaterally on an individual complaint outside the formal procedure, or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure. Governors should seek advice from the Clerking Service.

Within 15 school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution. Notes must be taken during this discussion and added to CPOMS/mailed to the headteacher, as above.

At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

**STAGE 2 (FORMAL): COMPLAINT HEARD BY HEADTEACHER**

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing or by telephone.

The Headteacher will acknowledge the complaint within 5 working days and may seek additional information.

An appointment with the headteacher should be made as soon as reasonably practical, to avoid any possible worsening of the situation.

Where the headteacher has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

Where there are communication difficulties, the complaint may be made in person or via telephone.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. Provided that the complaint is not against a member of staff or the headteacher, these notes are kept securely on CPOMs or, where these complaints are about a member of staff, notes are kept by the headteacher on a secure drive not accessible via the school's ICT system.

The Headteacher may delegate the task of investigating and collating information to another staff member but not the decision. The Headteacher may seek advice from the Data Protection Officer, Governor Services, HR Advisor and other professional persons as required.

On conclusion of the investigation the Headteacher will provide a written response to the complainant. This will normally be within 25 working days of the complaint being received. However, if this is not possible the Headteacher will notify the complainant and confirm a revised response date.

The outcome may be that the complaint is:

- Upheld in part or in full
- Not upheld and reasons clearly outlined

The Headteacher will advise the complainant of how to escalate their complaint should they be dissatisfied with the outcome of Stage 2.

**STAGE 2 (FORMAL): COMPLAINT HEARD BY CHAIR OF GOVERNORS OR VICE-CHAIR**

Formal complaints about the Headteacher or a governor must be made to the Chair of Governors (unless they are about the Chair of Governors in which case the complaint should be made to the Vice-Chair), via the school office. This may be done in person, in writing or by telephone.

The Chair of Governors will acknowledge the complaint within 5 working days and may seek additional information.

Where the chair of governors has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

Where there are communication difficulties, the complaint may be made in person or via telephone.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. Where complaints are against the headteacher, notes are kept by the clerk to governors on a secure computer not accessible via the school's ICT system.

The Chair of Governors may delegate the task of investigating and collating information to another impartial Governor or commission an independent investigation. The decision will remain the responsibility of the Chair of Governors (or Vice-chair if the complaint is regarding the Chair of Governors). The Chair of Governors may seek advice from the Data Protection Officer, Governor Services, HR Advisor and other professional persons as required.

On conclusion of the investigation the Chair of Governors will provide a written response to the complainant. This will normally be within 25 working days of the complaint being received. However, if this is not possible the Chair of Governors will notify the complainant and confirm a revised response date.

The outcome may be that the complaint is:

- Upheld in part or in full
- Not upheld and reasons clearly outlined

The Chair of Governors will advise the complainant of how to escalate their complaint should they be dissatisfied with the outcome of Stage 2.

**STAGE 3 (FINAL SCHOOL BASED STAGE): COMPLAINT HEARD BY COMPLAINTS APPEAL PANEL**

If the complainant remains dissatisfied with the outcome at Stage 2 and wishes to take the matter further they can escalate to Stage 3 – a meeting Complaints Appeal Committee. The Complaints Appeal Committee will be formed of three impartial governors. If necessary, independent Governors may be sought for the committee if they are members of another local school Governing Board. This is the final stage of the school-based complaints procedure.

Following receipt of a stage two outcome, the complaint should be made in writing to the chair of governors within 10 school days to escalate the complaint to stage three.

Where there are communication difficulties, the complaint may be made in person or via telephone.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely by the clerk to governors.

Written acknowledgement of the complaint will be made within 3 school days. This will inform the complainant that a CAP will hear the complaint within 20 school days.

The committee will neither review any new complaints at this stage nor consider evidence unrelated to the initial complaint.

Complaints are not heard by the whole Governing Board at any stage, as this may compromise the impartiality of any committee set up for a disciplinary hearing against a member of staff following a serious complaint.

The Complaints Appeal Committee will be constituted by Governors, subject to availability and impartiality. The Committee will have delegated powers to; hear complaints; set out its terms of reference and procedures; hear individual appeals; make recommendations on policy as a result of complaints. The Committee may choose their own Chair.

Usually the Complaints Appeal Committee will invite the complainant to attend a meeting to hear the complaint. The complainant may bring someone to support them, this is usually a relative or friend; it may not be a legal representative or a representative of the media.

The Clerk will prior to the meeting:

- Notify the complainant of the time, date, and venue of the meeting. This should be mutually convenient and accessible for all parties.
- Request copies of any further written material to be submitted to the committee at least 7 school days prior to the meeting



Written material will be circulated to all parties at least 5 working days in advance of the meeting.

The committee will be held in private. Electronic recordings are not permitted unless a complainant or Committee members needs require it and all parties consent.

The committee will:

- Uphold the complaint in whole or in part;
- Dismiss the complaint in whole or in part;

If the complaint is upheld in part or in full, the Committee will:

- 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.

The complainant will receive a written response explaining the panel's findings and recommendations within 15 school days of the CAP. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

#### THE REMIT OF THE COMPLAINTS APPEAL COMMITTEE

*There are several points which any Governor sitting on a complaints appeal committee needs to remember:*

a. 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 be sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, 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 that 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.

c. An effective Panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.



d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The Governors sitting on the panel need to be aware of the Complaints Policy and their roles and responsibilities, seeking advice where necessary from the Clerk.

#### THE ROLE OF THE CLERK

It is recommended any Committee considering complaints be clerked. The Clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings by taking extensive minutes;
- Notify all parties of the panel's decision.

The Clerk should share copies of the Committee Meeting minutes with all parties involved in the Committee hearing, and provide a reasonable opportunity for the minutes to be agreed or challenged.

#### **The role of the Chair of the Governing Board or the nominated Governor:**

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.

#### THE ROLE OF THE CHAIR OF THE COMPLAINTS APPEAL COMMITTEE

The Chair of the Committee has a key role, ensuring that:

- The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;



- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The Panel is open minded and acting independently;
- No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises, it would be useful to give all parties the opportunity to consider and comment on it.

#### NOTIFICATION OF THE COMPLAINTS APPEAL COMMITTEE DECISION

The Chair of the Committee must ensure that the complainant is notified of the Committee's decision, in writing, with the Committee's response (including the reasons for the decision); this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

#### THE FINAL STAGE OF APPEAL IS TO THE SECRETARY OF STATE FOR EDUCATION.

If the complainant believes the School did not handle their complainant in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education once Stage 3 is complete.

The Department for Education will not normally re-investigate the substance of the complaint or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at <https://www.gov.uk/contact-dfe> by telephone on: 0370 000 2288 or write to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

#### CHECKLIST FOR A PANEL HEARING

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The Panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

## RECORDING A COMPLAINT

A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

Recording devices will not be used to review discussions of complaints at a later date.

Where there are communication difficulties or disabilities, recording devices may be used for the purposes of reasonable adjustments. The school will consult with the LA before using recording devices.

Details of any complaint made shall not be shared with the entire governing board.

The exception to this is when a complaint is made against the whole governing board and they need to be aware of the allegations made against them, to respond to any independent investigation. Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000.

The school will hold all records of complaints centrally where possible. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

## EXCEPTIONAL CIRCUMSTANCES

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- you're not happy with the way the school handled your complaint
- the school is stopping you from completing their complaints procedure
- a child is not getting an education
- a child has been exposed to harm

If a social services authority decides to investigate a situation, the headteacher or governing board may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

### COMPLAINTS CAMPAIGNS

For the purposes of this policy, “complaints campaigns” are where the school receives large volumes of complaints that are all based on the same subject.

Where the school becomes the subject of a complaints campaign from complainants who are not connected with the school, a standard, single response will be published on the school’s website. If the school receives a large number of complaints about the same subject from complainants who are connected to the school, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the school’s response, they will be directed to the DfE.

### BARRING FROM THE PREMISES

School premises are private property and therefore any individual may be barred from entering the premises.

If an individual’s behaviour is cause for concern, the headteacher or chair of governors will ask the individual to leave the premises.

The headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed by the chair of governors or a committee of the governing board, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the headteacher or chair of governors.

Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

### AVAILABILITY, MONITORING AND REVIEW

A copy of this policy will be published on the school website in accordance with the School Information (England) (Amendment) Regulations 2016.

The complaints procedure will be reviewed annually.

Responsibility for reviewing the procedure belongs to the governing board. All projected review dates will be adhered to.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the school's performance. An anonymised summary of complaints shall be shared with the governing board on a termly basis.

### SUMMARY OF COMPLAINTS PROCEDURE

#### **Stage 1 – Complaint heard by staff member**

- Ensure any agreed actions are followed up
- Advise complainant how to access School Complaints Policy
- Ensure school complaints co-ordinator is informed

#### **Stage 2 – Complaint heard by Headteacher or Chair of Governors**

- Acknowledge receipt of complaint and advised complainant of the process for Stage 2
- Write to complainant with outcome of investigation and decision
- If complaint is upheld, ensure any agreed actions are followed up
- Advise how to escalate to Stage 3 if dissatisfied
- Ensure Complaints Co-ordinator informed of outcome

#### **Stage 3 – Complaint heard by Governor's Complaints Appeal Committee**

- Acknowledge receipt of complaint, issue letter inviting complainant to meeting and advise complainant of the process for Stage 3
- Write to complainant with outcome of investigation and decision
- If complaint is upheld, ensure any agreed actions are followed up
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Department of Education.

**EXAMPLE OF A COMPLAINT FORM**

Please complete and return to the School Business Manager who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

**Please give details of your complaint.**

**What action, if any, have you already taken to try and resolve your complaint.**

(Who did you speak to and what was the response)?

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

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

Signature:

Date:

Complaint referred to:

Date: