

Complaints Procedures



Date agreed: March 2017

Date for review: March 2020

Our vision, Enjoy, Explore, Excel; be amazing is rooted in Psalm 139, which recognises that God made us all in an amazing and wonderful way. We are unique and will fulfil our own potential.

As a school, our 12 Christian Values: responsibility, respect, perseverance, courage, hope, compassion, trust, forgiveness, truthfulness, thankfulness, friendship and peace are interwoven through our curriculum, our interactions and how support the children in making choices in their behaviour. There may be times when the use of force is appropriate and through adherence this policy, we aim to act in a way that is aligned with our values

COMPLAINTS PROCEDURE

Foreword

Complaints against schools may take many forms. They may be to do with the policies of the Governing Body or actions of school staff.

The procedure set out here, has been agreed by the Governors in order to ensure that parents and others are able to express their concerns in an open and honest way.

The procedure is based on the following principles which are common to any effective complaints system. It is designed to:

- Allow for clarification of the main issues giving rise to the complaint
- encourage resolution of problems by informal means wherever possible;
- be easily accessible and well-publicised;
- be simple to understand and use;
- allow speedy handling, with established time limits for action, and keep people informed of progress;
- ensure a full and fair investigation;
- respect peoples desire for confidentiality;
- address all the points at issue, and provide an effective response;
- provide information to management so that services can be improved.

In particular, it is important that complainants are able to:

- attend the meetings called to hear the complaint and be accompanied by a friend if desired . If translation is necessary an interpreter can be provided;
- receive a translation, if necessary, of any of the papers provided by the school or the LEA;
- receive adequate notice of the time, date and place of all formal meetings. This should normally be not less than five days notice;
- receive written reports of all decisions, the reasons for them and any action it is proposed to take, including details of any requests made to those complained about to take particular actions to resolve the complaint;
- be informed of the progress of the complaint.

The School Complaints Procedure

As a matter of good practice, formal complaints received will be recorded by school, if they are in writing, acknowledged within three working days. The procedure is as follows:-

Preliminary Stage: “Informal Complaints”

Most complaints can be resolved satisfactorily through direct discussion with the child’s class teacher, Key Stage Co-ordinator or if necessary the Headteacher. Usually, such discussions will lead to a resolution. It is our aim to resolve complaints in this way.

Subsequent Stages: “Formal Complaints”.

Step 1 : If unresolved the complainant will be asked to fill out a form detailing the precise nature of the complaint. (see appendix 1)

Step 2: There will be a formal meeting with the Headteacher. This will normally take place within one week of receipt of the form. . The School Governors will not be involved at this stage although, if the Headteacher is the subject of a complaint, the complainant may write directly to the Chair of Governors.

If the complaint is of a general nature the Headteacher may be able to respond immediately e.g. if it is about an explanation of school policy.

Where the complaint requires further investigation or the following of statutory guidelines, the Headteacher will initiate the necessary process and report back to the complainant.

Investigations at step 2 will normally be completed within 2 weeks of receipt of the written complaint, unless there are exceptional circumstances. A formal written response will be sent to the complainant within two weeks of completion of the investigation, giving a target of four weeks for completion of step 2.

Where a Headteacher is the subject of a complaint, the complaint will be copied to the Chair of Governors and if the Chair considers it appropriate, the LA.

Should the matter not be resolved under Step 2, the complainant may consider proceeding to Step 3 below. The onus is on the complainant to refer the matter to Step 3 (within two weeks of notification of the decision) although the Headteacher may feel that this is the best course of action depending on the circumstances.

Step 3: In all cases where the Headteacher is unable to resolve a complaint to the satisfaction of the complainant, the matter will be considered by the Governors. The Governors will appoint two investigating Governors to consider the complaint bearing in mind the need to ensure that the same Governor cannot be involved at more than one stage of the complaints process. It is therefore essential that individual Governors do not take it upon themselves to investigate a complaint outside of this procedure. The function

of the investigating Governors will be to check over the facts of the case again, and if necessary, meet with the complainant in order to attempt to resolve the matter amicably. Any further investigation will be undertaken in accordance with the principles outlined in Step 2 above although, given that an investigation will already have taken place, it may not need to be as thorough, taking into account that evidence will have been gathered at Step 2. Where the complaint is about the action of the Headteacher, the Governors will need to make their own full investigation. This investigation will normally be completed within two weeks of receipt of a Step 3 complaint.

Following the investigation there will be three options available:-

1. The investigating Governors will be able to take the appropriate action necessary to resolve the complaint, if they have been delegated authority by the Governing Body. The investigating Governors will report to the Governing Body for information if no further action is proposed.
2. The matter may need to be referred to a disciplinary panel of the Governing Body if there is considered to be a prima facie case for disciplinary action. The investigating Governors will have to present the case to the panel but will not have any other role. In serious or complex cases, they will contact the LA at an early stage for advice and guidance. In cases where disciplinary action is pursued, no further action should be taken on the complaint until the outcome of any disciplinary hearing is known.
3. If the investigating governors are unable to resolve the complaint they will refer it for consideration to the full Governing Body or one of its committees. In this case the complainant will normally be given the opportunity to present his / her case by attendance at the meeting. In procedure, the hearing will be consistent with the pattern of disciplinary hearings – i.e. the complainant attends, may be accompanied and may present a case; the Headteacher and anyone who is the subject of the complaint may attend, be accompanied by a 'friend' or by their professional association and present a case; expert advice may be sought. The panel meets in private to come to a decision and subsequently notifies the interested parties and the LA in writing of the decision. Any hearing will normally be held within four weeks of receipt of the Step 3 complaint.

The decision of the Governors Committee will be communicated in writing to the complainant within two working days of the meeting.

Step 4 Complainants have a further right of appeal to the LA against actions of the Governing Body. Although this right will be rarely exercised, it should be remembered that the LA retains a responsibility to ensure that Governors have acted properly in the exercise of their functions. Complaints received will be passed to the appropriate Education Officer, who will then inform the Chair of Governors that a complaint has been received. If the complaint is of a serious nature and it is not possible to reach an amicable resolution with the Governing Body, an investigation will take place. The terms of reference for this will

be determined by the Director of Education and the Governing Body informed of these. Following the investigation, any findings would normally be presented to the Governing Body to see if an agreement can be reached. In rare cases, it may be felt that the appropriate course of action should be to withdraw delegation and, if so, the Education Committee would be asked to consider whether to recommend this course of action to the Secretary of State for Education. The Governing Body would be invited to present their comments to the Education Committee as part of this process.

In respect of the permanent exclusion of pupils the LA has a duty to consider whether the Governors and Headteacher have acted reasonably and the LA will direct reinstatement where considered necessary.

Step 5 Finally, complainants have a right of appeal to the Secretary of State for Education under Sections 68 or 99 of the 1944 Education Act that the LA has acted unreasonably. In such cases, the Department for Education and Employment (DfE) will examine the complaint against the LA and adjudicate. The DfE has the power to require the LEA to take certain actions including the issuing of instructions to School Governing Bodies in appropriate circumstances. Members of staff also have the same right of appeal under Section 69 and 99.

Other procedures which may impact on the complaints procedures and these should be read in conjunction with this document. These are:-

a. **Guidance on Child Protection Matters**

The Local Authority, and other agencies responsible for children, has a duty under the Children Act 1989 to safeguard and promote the welfare of all children. As part of this, detailed child protection procedures have been developed (The Red Book) which outline the steps which must be taken in cases of alleged abuse. This has now been supplemented by departmental guidance on procedures where the allegation is against a member of school staff. It is essential that these are followed and that the schools “designated” teacher is informed immediately on receipt of an allegation of abuse. He / she will then liaise with the Headteacher and / or Chair of Governors, as appropriate, and the LA Education Officer. The guidelines on investigation will then be followed involving the Social Services Department and Police as necessary.

b. **The Staff Disciplinary Procedure**

When the complaint is about the conduct of a member of staff:-

- a. It will normally be sensible to meet with the complainant, before the investigation, in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.
- b. If a formal investigation is required, the following general principles will be adhered to:-

- i) If a member of staff is the subject of a complaint he / she will be given a copy (but see (d) below) and advised to contact his / her Trades Union for further advice;
- ii) The member of staff will be advised that he/ she may be accompanied by a “friend” at any subsequent interview or hearing;
- iii) The complaint must be treated as an allegation only, during the investigation stage;
- iii) The Headteacher will invite all parties (including witnesses) to provide written comments as part of the investigation.
- c. If, at any time during the investigation, there is a prima facie case for disciplinary action, the school disciplinary procedure will be followed and no further action taken under this procedure.
- d. If the complaint involves an allegation of a potentially serious criminal nature, the Headteacher will inform the LEA so that it can be recorded and forwarded to the appropriate senior officer who will then contact the school about further action. The member of staff who is the subject of the complaint would normally be advised of the situation immediately although if the complaint involved a child protection issue the child protection investigation arrangements will come into force involving the Social Services Department and police as necessary.

c. The Staff Grievance Procedure

This procedure enables staff to complain about the actions of other members of staff, the Headteacher or the Governors and involves a quite separate process to the complaints procedure. Please refer to South Gloucestershire Personnel Manual- Personnel Management, Section 4 4.001-4.003

d. Guidance on Assaults Against Staff at Work.

Please refer to the South Gloucestershire Personnel Manual.

Review

This Procedure will be reviewed by Governors every three years.

Next Review, by March 2020

St Mary's Primary School Concern or complaint (Stage 1 – Informal)

To be completed by a school professional during meeting.

Parents name:

Pupils name

Daytime contact number:

Evening contact:

Concern Details [including dates, names of witnesses etc...], to allow the matter to be fully investigated.:

Continue on separate paper, or attach additional documents, if you required.

Number of Additional pages attached =

What actions have already been taken in relation to the concern?
[Who have they spoken or written to and what was the outcome?]

Agreed actions to address the problem at this stage?

Follow Up / Review Contact Date:-

Signature:	
Date:	

St Mary's Primary School Complaint (Stage 2 – Formal Complaint)

To be completed by a complainant

Complainant's name:

Daytime contact number:

Evening contact:

Complaint details (including dates, names of witnesses etc..) to allow the matter to be fully investigate.

Continue on separate paper or attach documents, if required.

Number of additional pages attached =

What actions have already been taken in relation to the concern?
(Who have you spoken or written to and what was the outcome?)

Signature:

Date: