

Complaints Procedure

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I. Introduction

Section 29 of the Education Act 2011 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
 - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2011 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;”

The Acorns Primary and Nursery and Whitley Village Federated Schools Complaints Procedure is referred to in all relevant school documents and publications.

The Complaints Co-ordinator is responsible for the operation and management of the complaints procedure. At The Acorns Primary & Nursery and Whitley Village Federated School, the Complaints Co-ordinator is the school’s Business Manager, Mrs Clare Catherall.

The intention of this procedure is to provide a clear and transparent process that will enable all complaints to be dealt with as quickly and efficiently as possible. The length of time that this takes will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, all complaints should be settled within a period which is reasonable in the circumstances.

This procedure takes into account the guidance given by Chester West and Chester Council in the document ‘School Complaints Procedure 2012).

2. Scope of the Procedure

This procedure covers all complaints against the school by external persons/parties which do not have an alternative statutory avenue of appeal or complaint (i.e. admissions, exclusions, delivery of National Curriculum, some safeguarding children issues, provision of collective worship and religious education and SEN assessments). Where complaints make allegations of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure.

Employees of the school cannot use this procedure but, where necessary, should raise concerns via the appropriate school’s grievance procedure.

3. General Principles

All complaints will be dealt with in a transparent way and as quickly as is reasonably practicable. Complainants will be kept informed during the investigation of their complaint and of the outcome, except where this is confidential (e.g. in the case of a staff disciplinary process). Every effort will be made to resolve complaints in a non-confrontational and informal way.

Where the timescales within this procedure cannot be adhered to, the complainant will be informed as to why this is the case, and given a revised timescale for dealing with the complaint. This will be

done within the specified timescale. All references to timescales in terms of 'working days' refer to days on which the school is open to pupils and for staff training days.

The Governing Body will ensure that they have appropriate arrangements for recording complaints and the way in which they are resolved. Further, that they will regularly (at least once per school year), monitor the nature and level of complaints, so as to best ensure the effectiveness of the procedure, and consider any underlying issues the school may need to address, including whether specific actions identified by governors' appeal panels have been addressed.

In the event of a governors' Complaint Appeal Panel being convened at the appeal stage of the procedure, members of this panel will not have had any prior involvement in, or knowledge of, the complaint so that governors' impartiality can be guaranteed.

There may be rare occasions when, despite all the stages of the procedure having been followed, a complainant remains dissatisfied. If s/he subsequently seeks to re-open the same issue, the Chair of Governors (or Chair of the Complaints Appeal Panel) has the right to inform him/her that the procedure has been exhausted and the matter is closed.

Advice on the operation of the procedure is available from the manager of the School Governance Service, who may also seek the advice and/or involvement of other Local Authority (LA) officers as appropriate. In exceptional cases a LA officer may agree to a request to attend a formal complaint hearing to advise the governors. Such requests should be made via the School Governance Service.

This complaints procedure will:

- encourage resolution of problems by **informal** means wherever possible
- be easily **accessible** and **publicised**
- be **simple** to understand and use
- be **impartial**
- be **non-adversarial**
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress
- ensure a full and **fair** investigation by an independent person where necessary
- respect people's desire for **confidentiality**
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary
- provide **information** to the school's senior management team so that services can be improved.

4. Dealing with Complaints

a) Initial concerns

There needs to be clarity about the difference between a *concern* and a *complaint*. Taking an informal concern seriously at the earliest stage will reduce the likelihood of it developing into a formal complaint.

The underlying principle of this procedure is that *concerns* ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

It will assist the procedure if the school respected 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

Complaints Co-ordinator will refer the complainant to another staff member. Where the complaint concerns the Headteacher, the Complaints Co-ordinator will refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the governor will 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.

If the person raising the concern remains dissatisfied and wishes to take the matter further after initial attempts to resolve the concern, then they may invoke the formal complaints procedure.

b) Investigating Complaints

At each stage of the complaints procedure, the Complaints Co-ordinator makes sure that they:

- meet with the complainant or contact them (if unsure or further information is necessary)
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the meeting with an open mind and be prepared to persist in the questioning
- keep notes of any meetings/correspondence, which include:
 - details of **what** has happened so far, and **who** has been involved
 - clarify the nature of the complaint and what remains unresolved
 - clarify and record what the complainant feels would put things right.

c) Resolving Complaints

At each stage in the procedure, the school will consider the ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid 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 (note: this is not the same as an admission of negligence)
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage.

In resolving complaints, it is important to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

5. Stages of the Procedure

Many concerns and minor complaints can be resolved quickly and informally. There are many occasions where issues are resolved immediately through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort will be made by the school to have a full discussion with the complainant before moving into the stages of this procedure.

a) Informal Stage

If the concern/complaint is not resolved through informal discussion, the complainant should contact the Headteacher. The complaint should be made in writing by the complainant, or by another person on their behalf, with their consent (by letter or email). The complainant may use the school's Complaint Form (**Appendix I**) at this stage.

The Headteacher, or other member of staff nominated by him/her, should meet with the complainant to discuss his/her concerns **within ten working days** of receiving the complaint. Where necessary the Headteacher, or other nominated member of staff, should carry out a full investigation into the issues raised. The Headteacher will give a written response to the complainant as soon as possible but, in any case, **within ten working days** of this meeting. Where the complainant is dissatisfied with this response, the complaint should move to the **formal stage** of the procedure **within ten working days** of receipt of the Headteacher's written response. If no response is received from the complainant within this timescale, the matter will be considered closed.

Where the complaint is against the Headteacher the informal stage should be conducted by the Chair of Governors. If the complaint then progresses to the formal stage this will be conducted by the Vice Chair of Governors.

Where the complaint is against the Chair of Governors the informal stage should be conducted by the Vice Chair of Governors. If the complaint progresses to the formal stage this will be conducted by another nominated governor.

b) Formal Stage

If the complaint cannot satisfactorily be resolved informally, the complainant should put their complaint in writing to the Chair of Governors (or nominated governor where the complaint is against the Headteacher/Chair of Governors), which may be by letter or email, via the school. The complainant should write to the Chair of Governors **within ten working days** of receipt of the Headteacher's response to the informal stage. The complainant may use the school's Complaint Form (**Appendix I**) at this stage. The Chair/nominated governor will meet with the complainant to discuss his/her concerns **within ten working days** of receiving the complaint, or as soon as is reasonably practicable after this. The Complaints Co-ordinator will attend this meeting to record the minutes.

The Chair/nominated governor will review the investigation and Headteacher's decision and may confirm this decision or reach a different decision. The Chair/nominated governor may take advice initially from the manager of the School Governance Service, who may consult other LA officers where appropriate.

The Chair/nominated governor will communicate his/her response in writing to the complainant as soon as possible but, in any case, **within ten working days** of receiving the written complaint.

Where the complainant is dissatisfied with this response the complaint should move to the appeal stage of the procedure **within ten working days** of receipt of the Chair of Governor's written response. If no response is received from the complainant within this timescale, the matter will be considered closed.

c) Appeal Stage

The complainant should send a written appeal to the Chair of Governors, either by letter or email, or, where the complaint is against the Chair, to the Vice-Chair. This should state the original complaint and the reasons for continued dissatisfaction and should be submitted **within ten working days** of receipt of the Chair of Governor's written response to the formal stage of the procedure.

The Chair of Governors, or nominated governor, may decline to accept a complaint into the Appeal Stage where s/he, acting reasonably, believes that the complaint has been wholly upheld at the Formal Stage and in all the circumstances there is no merit in the matter proceeding further.

If a complaint is accepted to the Appeal Stage, a governors' Complaints Appeal Panel will be convened by the Complaints Co-ordinator consisting of three or five governors who have had no previous involvement in consideration of the complaint. Where the complainant is a parent, governors may wish to consider the possible advantages of this panel including a parent governor. The Complaints Appeal Panel chooses its own Chair.

The complainant has the right be accompanied by one person at this meeting. If the complainant chooses to do so, they must advise the Complaints Co-ordinator of the person's name and relationship to the complainant no later than **two working days** prior to the date of the Complaints Appeal Panel meeting.

The remit and roles and responsibilities of members of the Complaints Appeal Panel are outlined in **Appendices 2 and 3**. A Complaints Appeal Meeting will be held in accordance with the procedure outlined in **Appendix 4**.

The meeting of the governors' panel should take place as soon as possible, but in any case a date should be set and communicated to the complainant **within twenty working days** of receipt of the appeal.

All relevant documentation must be circulated to all parties **at least five working days** in advance of the meeting.

The governors' decision should be communicated in writing to the complainant as soon as possible but, in any case, **within five working days** of the meeting. The governors' response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which governors arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales.

At the conclusion of this stage of the procedure, the full complaints procedure will have been exhausted and the matter will be considered closed. The complainant will have no further right to appeal this decision. If the complainant remains unsatisfied, they can request a review by the Secretary of State.

Appendix 5 gives an overview of the full procedure.

6. Managing and Recording Complaints

a) Recording Complaints

The Complaints Co-ordinator will record the progress of the complaint and the final outcome in writing.

At the Informal Stage, the complainant will be asked to put their complaint in writing to the Headteacher. This can be done by letter, email or using the school's Complaint Form (**Appendix I**).

The Complaints Co-ordinator should record:

- brief notes of meetings and telephone calls
- any written response made to the complainant
- any other documentation that is relevant to the complaint

The Complaints Co-ordinator is responsible for maintaining accurate and complete records and will hold them centrally.

Meetings should **not** be tape recorded at any stage of the procedure, and this will be stated by the Complaint Co-ordinator at the commencement of the Informal Stage. If the complainant does still go ahead and record meetings, they will be told that the recording will not be considered as part of the investigation of the complaint.

b) Governing Body Review

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.

Complaints information shared with the whole Governing Body will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance.

c) Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. The school's Complaints Policy and Procedure is publicised on the school's website.

Appendix I

The Acorns Primary and Nursery and Whitley Village Federated Schools Complaint Form

Please complete and return to Mrs Clare Catherall (Complaints Co-ordinator), who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Email address:

Day time telephone number:

Evening telephone number:

I. Please give details of your complaint.

2. What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to, when and what was the response?)

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

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

Your Signature: _____ Date: _____

For Official Use

Date acknowledgement sent: _____

By whom: _____

Complaint referred to: _____

Date: _____

Appendix 2

Complaints Appeal Panel: Remit

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.

There are several points which any governor sitting on a complaints panel 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 sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private (and possibly at a neutral venue), 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.
- c. All parties (with the exception of any witnesses, as appropriate) should be present in the meeting simultaneously so that all views can be heard/challenged as appropriate.
- d. 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.
- e. 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.
- f. The governors sitting on the panel need to be aware of the complaints procedure and the need to respect confidentiality.

Appendix 3

Complaints Appeal Panel: Roles and Responsibilities

The Role of the Clerk

The Complaint Appeal Panel meeting will be clerked by the Complaint Co-ordinator, and as a minimum. The Complaint Co-ordinator will attend the meeting to take the minutes, and ensure that the minutes are distributed to panel members **within 3 working days** of the meeting.

The clerk is the contact point for the complainant and is required to:

- set the date, time and venue of the Complaint Appeal Meeting, 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 meeting
- meet and welcome the parties as they arrive at the meeting
- record the proceedings
- distribute the minutes to the Complaints Appeal Panel members **within 3 working days** of the meeting
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

The Chair of Governor or nominated governor role:

- check that the correct procedure has been followed
- if a Complaint Appeal Panel meeting is appropriate, notify the clerk to convene the panel and make the necessary arrangements.

The Role of the Chair of the Panel

The Chair of the Panel 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
- the governors can decide to adjourn the hearing pending further investigation at any stage, if this seems necessary
- written material is seen by all parties and if a new issue arises it would be useful to give all parties the opportunity to consider and comment on it
- governors reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint
- the full Governing Body receives a report regarding the nature and outcome of the complaint at the next full Governing Body meeting following the Complaint Appeal Panel meeting.

The **Checklist for a Complaint Appeal Meeting (Appendix 4)** gives guidance on the management of this meeting.

Notification of the Panel's Decision

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within five working days of the meeting. This letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Appendix 4

Checklist for a Complaint Appeal Meeting

The Complaint Appeal Panel may conduct the meeting as follows:

The hearing is as informal as possible

Chair to ensure that all parties introduce themselves and emphasise that the members of the Complaint Appeals Panel have had no prior information about the complaint other than the papers sent out in advance of the meeting

Chair to emphasise that the confidentiality of all parties will be respected and adhered to, including:

- Complainant
- Panel members
- Witnesses

The meeting should not be tape recorded

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

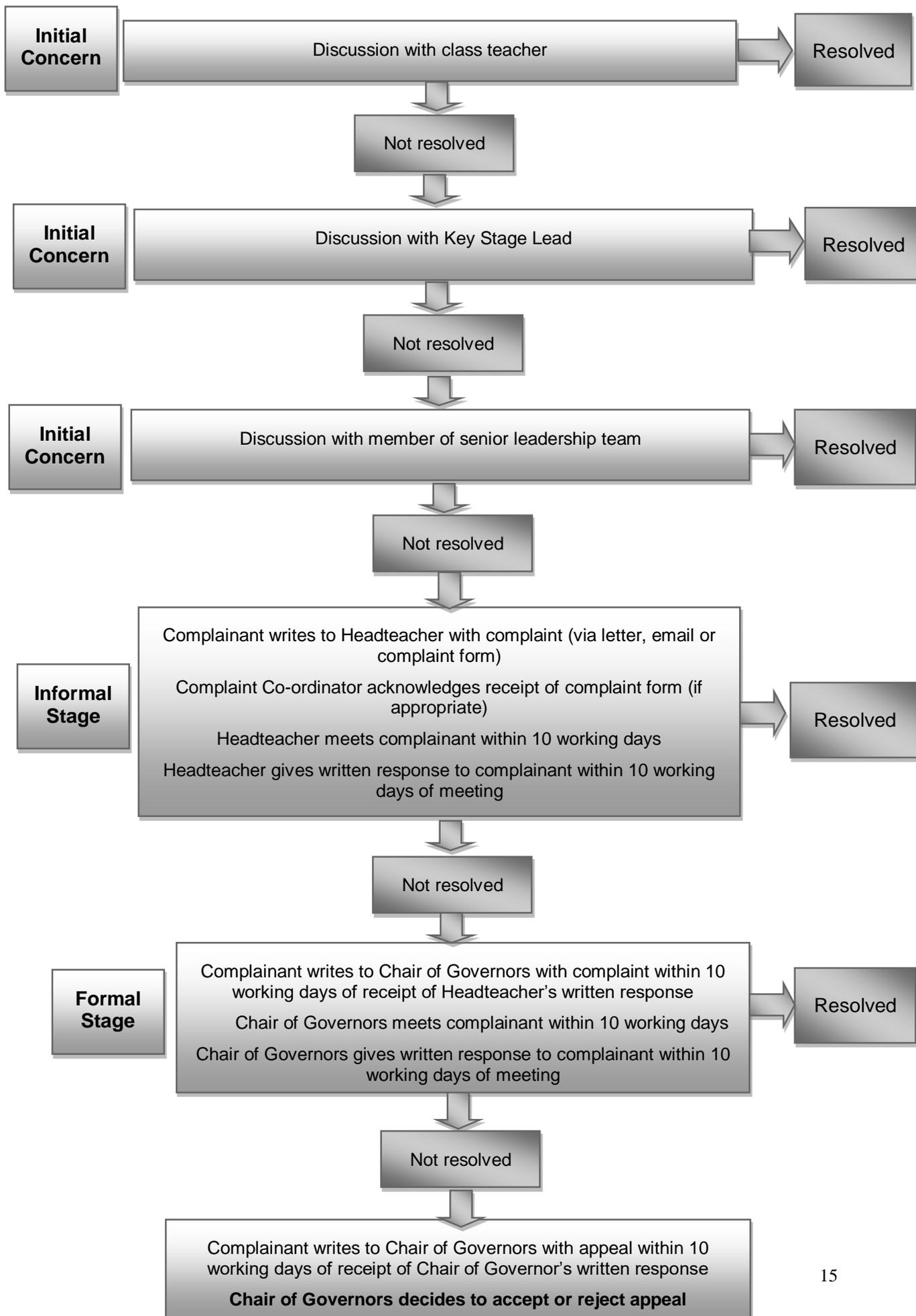
The Headteacher is then invited to sum up the school's actions and response to the complaint

The chair explains that both parties will hear from the panel within five working days

Both parties leave together while the panel decides on the issues.

Note: the above steps are a guide only – it may be more appropriate to explore the complaint chronologically, allowing all parties to discuss each key aspect of the complaint before moving on to the next.

Appendix 5 Overview of Complaints Procedure



**Appeal
Stage**

