

**Cambois Primary School**

**COMPLAINTS**

**PROCEDURE**

**POLICY FOR**

**PARENTS/CARERS**

|  |  |
| --- | --- |
| This policy was reviewed: | March 2018 |
| This policy will be reviewed: | Sept 2019 (or when required) |
| Statutory policy | Yes |
| Source | LA |

# School Complaints Procedure

The school’s governors and Headteacher are committed to providing the best educational experience they can for every pupil attending this school. They recognise the value to everyone concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a pupil or parent or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document.

**Framework of principles**

Our complaints procedure:

* encourages resolution of problems by **informal** means wherever possible;
* is easily **accessible** and **publicised**;
* is **simple** to understand and use;

# • is impartial; • is non-adversarial;

* allows **swift** handling with established **time-limits** for action and keeping people informed of the progress;
* ensures a full and **fair** investigation by an independent person where necessary;
* respects people’s desire for **confidentiality**;
* addresses all the issues and provides an **effective** response and **appropriate** redress, where necessary; and
* provides **information** to the school’s senior management team so that services can be improved
* ensures the procedure is **without prejudice**, with all **equality** and **disability** rights being respected.

# Definition of complaint

A school complaint is any communication received by a person or persons with a legitimate interest in the school that expresses dissatisfaction about the standard of teaching of members of the teaching staff, or about the conduct, actions or omissions of members of the teaching or non-teaching staff employed at the school.

Where a complainant is a pupil under the age of 18 years, the complaint may be pursued only by, or on behalf of, the child’s parent or carer. Where someone other than a pupil or a parent or carer is pursuing a complaint on their behalf, this can be done only with the express consent of the pupil or parent concerned.

# Vexatious complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

**Part A Complaining about the actions of a member of staff other than the Headteacher**

# STAGE 1 - Informal: Complaint heard by staff member

At this early stage it is expected that the complainant would communicate directly with the member of staff concerned (or other designated postholder/middle manager, such as a key-stage co-ordinator, head of department, head of year). This may be by letter, email, telephone, or in person by appointment.

Most concerns can be resolved by simple clarification or the provision of information and it is anticipated that the majority of complaints will be resolved at this informal stage.

In the case of serious concerns it would be appropriate to address the complainant directly to the Headteacher (or other designated member of staff on behalf of the Headteacher – in such cases the Headteacher must be satisfied that the process has been conducted properly and accept responsibility for the same). **Part A - Stage 2** of the procedures.

# STAGE 2 - Formal: Complaint heard by Headteacher

If the complaint is not resolved at the informal stage 1 (or stage 1 does not apply), the complainant must put the complaint in writing and pass it to the Headteacher, who will be responsible for its investigation.

The complainant may be referred back to the informal stage of the procedure, or if the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated. The complainant should include details that might help the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

The Headteacher may meet with the complainant to clarify the complaint. It may be appropriate to offer the complainant the opportunity to be accompanied by a friend at any such meeting.

The Headteacher will collect all other evidence that they think is necessary. Where this involves an interview with a member of staff who is the subject of the complaint, a friend or representative may accompany that member of staff if they wish.

If it is considered appropriate in the circumstances the Headteacher will identify another member of staff to provide support and monitor the well-being of the member of staff who is the subject of the complaint.

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, but details of the investigation or of any disciplinary procedures will not be released.
* The matter has been fully investigated and appropriate procedures are being followed which are strictly confidential (for example, where staff disciplinary procedures are being followed).

The complainant will be formally advised that consideration of their complaint by the Headteacher is now concluded.

If the complainant considers that **the decision of the Headteacher is unreasonable, or that the Headteacher has acted unreasonably** in considering the complaint, then the complainant may bring a complaint against the Headteacher under **Part B – Stage 2** of this procedure. At this stage the complaint will be heard and fully investigated by the chair of governors.

# STAGE 3 - Formal: Complaint heard by governing body review panel

In the unlikely event that the complainant remains **dissatisfied with the way in which the process has been followed/or the outcome**, the complainant may request the governing body to review the process followed by the Headteacher in the handling the complaint.

Any such request must be made in writing within **two weeks** of receiving notice of the outcome from the Headteacher, and include a statement specifying any perceived failures to follow the procedure.

The procedure outlined in **Part C – Stage 3** should then be followed.

**Part B Complaining about the actions of the Headteacher**

# STAGE 1 - Informal: Complaint heard by Headteacher

At this early stage it is expected that the complainant would communicate directly with the Headteacher. This may be by letter, email, telephone, or in person by appointment.

Most concerns can be resolved by simple clarification or the provision of information and it is anticipated that the majority of complaints will be resolved at this informal stage.

In the case of serious concerns it would be appropriate to raise them directly with the chair of the governing body, (or designated governor responsible for investigating complaints).

**Part B – stage 2** of the procedures.

# STAGE 2 – Formal: Complaint heard by chair of governors

If the complaint is not resolved at the informal stage 1 (or stage 1 does not apply), the complainant must put the complaint in writing and pass it to the chair of governors (or designated governor responsible for investigating complaints), who will be responsible for its investigation.

The complainant should include details that might help the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents.

The complainant will be invited to meet the Chair (or designated governor) to present oral evidence or to clarify the complaint.

The chair (or designated governor) will collect any other evidence they think is necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Headteacher 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 Headteacher to consider the complaint, they will be invited to meet separately with the chair (or designated governor) to present written and oral evidence in response. A friend or representative may accompany the Headteacher at this meeting.

If it is considered appropriate in the circumstances the chair (or designated governor) will identify another governor or another member of staff to provide support and monitor the well-being of the Headteacher.

When the investigation has been concluded, the complainant and the Headteacher 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, but details of the investigation or of any disciplinary or capability action will not be released.
* The matter has been fully investigated and appropriate procedures are being followed which are strictly confidential (for example, where staff disciplinary procedures are being followed).

The complainant will be told that consideration of their complaint by the chair is now concluded.

# STAGE 3 - Formal: Complaint heard by governing body review panel

In the unlikely event that the complainant remains **dissatisfied with the way in which the process has been followed/or the outcome**, the complainant may request the governing body to review the process followed by the chair of governors (or designated governor) in the handling the complaint.

Any such request must be made in writing within **two weeks** of receiving notice of the outcome from the chair, and include a statement specifying any perceived failures to follow the procedure.

The procedure outlined in **Part C – Stage 3** should then be followed.

**Part C Formal Review process**

# STAGE 3 – Formal: Complaint heard by governing body’s review panel

Any review of the process followed by the Headteacher or the chair will be conducted by a panel of at least three members of the governing body.

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; or
* recommend changes to the school’s systems or procedures to ensure that problems of a similar nature do not recur.

The review will normally be conducted by considering written submissions, but reasonable requests to make oral representations should also be considered.

The panel will first receive written evidence from the complainant.

The panel will then invite the Headteacher or the chair (or designated governor), as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed (to eliminate doubt or ambiguity, it is helpful to specify to all parties the persons who are allowed access to records).

The complainant is not entitled to access 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.

The complainant, and the Headteacher 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 possible).

**Further Stages**

# Referral to the Secretary of State

Complainants do not have a general right of appeal should they disagree with the governors’ decision. They may, however, raise the matter with the Secretary of State for Children, Families and Schools, if they consider the governing body is acting ‘unreasonably’, or is failing to carry out its statutory duties properly. If the governors have followed a proper procedure and considered the complaint reasonably the Secretary of State cannot overturn the decision. The governing body must give full consideration to any recommendations or directions the Secretary of State may make.

# Complaining to Ofsted

As well as inspecting schools and monitoring how they perform, Ofsted also consider complaints if they affect the school as a whole. For example:

* the school is not providing a good enough education;
* the pupils are not achieving as much as they should, or their different needs are not being met;
* the school is not well led and managed, or is wasting money; or • the pupils’ personal development and wellbeing are being neglected
* safety including bullying.

# Following a complaint to Ofsted

If requested to do so, the governing body must provide Ofsted with any information specified by Ofsted that the school holds and any other information that the school considers to be relevant to the investigation of the complaint.

If, for the purpose of an investigation, Ofsted considers it appropriate to meet the parents, the governing body must co-operate with Ofsted to arrange the meeting, including allowing a meeting to take place on school premises, fixing a date for the meeting and notifying parents and the LA of the meeting. A representative of the governing body and the LA may also attend the meeting.

If Ofsted prepares a report of an investigation, that report must be passed to the governing body. The governing body must then send a copy of the Ofsted report to all registered parents.

# Statutory and established procedures

The Governing Body has determined these Complaints Procedures to deal with school complaints from parents, carers and pupils. They cover all areas of complaint, **except** in relation to those matters already provided for by existing statutory procedures, which include:

* admissions to community schools
* exclusions from schools and pupil referral units
* special education provision
* school organisation
* complaints by school staff or prospective staff
* education staff and child protection
* public examination administration
* school records on individual pupils.

**Complaints Procedures – Key Roles and Responsibilities**

# The role of the clerk

It is strongly recommended that any panel or group of governors considering complaints be formally 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 all parties in advance of the hearing;
* meet and welcome the parties as they arrive at the hearing;
* record the proceedings; and
* notify all parties of the panel’s decision.

# The role of the chair of the governing body or the designated governor

The nominated governor role:

* check that the correct procedure has been followed; and
* if a hearing is appropriate, notify the clerk to arrange the panel.

# 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;
* neither the clerk nor any 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; and
* 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 panel’s decision

The chair of the panel needs to ensure that the complainant is notified of the panel’s decision, in writing. 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.

# Timescales

It is recommended that the following time limits should apply to all complaints handled under the school’s complaints procedure:

**STAGE 1 - Informal:**

It is reasonable that parents seeking to resolve issues should receive a response within **15 working days** of making initial contact, unless there is a good reason not to do so. The response should offer the complainant a full explanation, or set out the steps that are proposed to resolve the complaint. The response will also notify the complainant that if the matter is to be taken to Stage 2 the complainant should indicate this within 15 days.

**STAGE 2 - Formal:**

Review by Headteacher or Chair of Governors.

Should be responded to in **15 working days.**

The response will also notify the complainant that if the matter is to be taken to Stage 3 the complainant should indicate this within 15 days.

**STAGE 3 – Formal:**

Review by governing body panel.

Should be responded to in **20 working days*.***

The longer time limit for Stage 3 reflects the fact that these complaints may be complex and therefore likely to take longer to resolve. Where it is not possible to respond to complaints within these timescales, the complainant should be informed in writing of the reason for the delay and given an anticipated response date.

**To enable the school to comply with these timescales, and in the interests of all parties, complainants also need to engage with the process at each stage and, when asked to, should respond within a reasonable timescale to communications in relation to the complaint.**

# Contact details

In the first instance, contact the Headteacher and in the absence of the Headteacher, the school office administrator or the Chair of Governors.

# School Complaint Form

Please complete this form and return it to Headteacher or clerk to governing body, who will acknowledge its receipt and inform you of the next stage in the procedure

|  |
| --- |
| Your name: BBBBBBBBBBBBBBBBB    Relationship with school (eg, parent of a pupil on the school’s roll):    BBBBBBBBBBBBBBBBBBBBBB    Pupil’s name (if relevant to your complaint):    BBBBBBBBBBBBBBBBBBBBBB    Your address:              Daytime telephone number: BBBBBBBBBBB    Evening telephone number: BBBBBBBBBBB |
| Please give concise details of your complaint, (including dates, names of witnesses etc), to allow the matter to be fully investigated:                                    You may continue on separate paper, or attach additional paperwork, if you wish. |
| Number of additional pages attached = |
| What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?) |
| What actions do you feel might resolve the problem at this stage? |

Signature: .......................................

Date: ........................................

School use:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to Date:

# School Complaints Procedure Flowchart

A summary of dealing with complaints – three stage approach

