

SHIREHAMPTON PRIMARY SCHOOL

COMPLAINTS PROCEDURE

1 INTRODUCTION

- 1.1 It is in everyone's interest that concerns are resolved at the earliest possible stage. The experience of the first contact between the person raising a concern and the school can be crucial in determining whether the concern will escalate. To that end, if staff and Governors are made aware of the procedure, they know what to do when they receive a concern.
- 1.2 This procedure is intended to allow someone to raise a concern or complaint relating to the school, or the services that it provides.
- 1.3 An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- 1.4 To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

2 STAGE ONE: INITIAL FEEDBACK (OR CONCERN) TO SCHOOL – CONCERN HEARD BY A MEMBER OF STAFF

- 2.1 This procedure should be used by any persons who wish to raise a concern with the school including parents/carers of children with special educational needs (SEN) about the support the school provides and parents/carers of children not attending the school (except in relation to admission appeals which are managed in line with the Local Authority's Admissions Procedures), visitors or neighbours of the school. Concerns against sub-contractors are to be addressed through their own policies/procedures. Staff grievances will be addressed through the schools' Grievance Procedures. Please also refer to section 9 for further details of complaints not covered in the scope of this procedure.
- 2.2 A summary of the school's Complaints Procedure is attached as Appendix 1 and is also available from the school's website and upon request from reception together with a copy of this procedure.
- 2.3 Details of the timeframes to be followed at each stage of the procedure are included within the summary document. However, in exceptional circumstances, a longer timeframe may be needed to carry out a thorough investigation of the concern. If this is the case, the person raising the concern will be advised of the anticipated timeframe required and an explanation for the delay.
- 2.4 **Parents/carers of Shirehampton Primary School pupils who wish to provide feedback to the school or raise a concern should, in the first instance, arrange an appointment to speak to the class teacher face-to-face or by phone.**
- 2.5 **All other persons who wish to provide feedback to the school or raise a concern should, in the first instance, contact a member of the reception team who will forward the concern to the most appropriate person.**
- 2.6 It would assist the procedure if the school respected the views of the person raising the concern who indicates that he/she would have difficulty discussing their concern with a particular member of staff. In these cases, the person raising the concern can be referred to another staff member. Where the concern is in relation to the Headteacher, the person raising the concern can be referred to the Chair of Governors c/o the Clerk to the Governing Body.
- 2.7 Similarly, if the member of staff directly involved feels too compromised to deal with a concern, the person raising the concern can be referred 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 crucial.
- 2.8 Where the first approach is made to a Governor, the next step would be to refer the person raising the concern to the Clerk to the Governing Body and advise them about the procedure. It

would be useful if Governors did not act unilaterally on an individual concern 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.

- 2.9 The person raising the concern will be provided with written responses where appropriate and if requested. Written notes of concerns raised and agreed actions should be retained by all those involved to support the process should the concern be escalated. Please see Appendix 2.
- 2.10 Inappropriate language as well as behaviour by anyone raising a concern (eg are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance), the use of obscenities, racist or homophobic language or personally offensive remarks about members of staff) will be treated as unacceptable and in such instances the school reserves the right not to consider such concerns or they may have to be re-submitted.
- 2.11 If the person raising a concern wishes to escalate their concern to Stage Two of this procedure, a complaints form (Appendix 3) must be completed and submitted with the accompanying correspondence. Should a form not be submitted, the Complainant will be asked to complete the form although it must be noted that this might result in a delay in the process.
- 2.12 The Governing Body reserves the right to reject complaints raised more than 3 months after an incident occurs due to the difficulty in being able to carry out a thorough investigation although where practical, all safeguarding concerns will be investigated regardless of when these occurred.

3 STAGE TWO: COMPLAINT HEARD BY HEADTEACHER

- 3.1 At this point, the person raising the concern may be dissatisfied with the way the concern was handled at Stage One as well as pursuing their initial concern. Should this be the case, the Complainant should write to the Headteacher requesting that the complaint moves to Stage Two of the procedure.
- 3.2 The Headteacher will investigate the complaint and provide a written response in line with the timeframe set out in the school's Complaints Procedure Summary (Appendix 1).
- 3.3 The Headteacher may delegate the task of collating the information to another staff member but not the decision on the response/action to be taken.

4 STAGE THREE: COMPLAINT HEARD BY GOVERNING BODY'S COMPLAINTS APPEAL PANEL

- 4.1 The Complainant needs to write to the Chair of Governors c/o the Clerk to the Governing Body, giving details of the complaint. The Chair, or a nominated Governor, will advise the Clerk to convene a Governing Body's Complaints Appeal Panel.
- 4.2 The Governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.
- 4.3 Individual complaints will not be heard by the whole of the Governing Body at any stage, as this could compromise the impartiality of any Panel set up for a disciplinary hearing against a member of staff following a serious complaint; this is also necessary to maintain impartiality for other Governors if they are required for a Stage Three Appeal Hearing.
- 4.4 The procedure adopted by the Panel for hearing appeals is outlined in Appendix 4. The Panel will consist of 3 people not directly involved in the matters detailed in the complaint. The Panel may choose their own Chair.

4.5 THE REMIT OF THE GOVERNING BODY'S COMPLAINTS APPEAL PANEL

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

4.6 There are several points which any person sitting on a Complaints Appeal 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 person 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, the Clerk needs to try and ensure that it is a cross-section of the categories of Governor, where appropriate, and 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 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/carers 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/carer is the Complainant, it would be helpful to give the parent/carer the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e) The persons sitting on the Panel need to be aware of this Complaints Procedure.

5 ROLES AND RESPONSIBILITIES

5.1 THE COMPLAINANT

The Complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- Co-operates with the school in seeking a solution to the complaint
- Expresses the complaint in full as early as possible
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint
- Asks for assistance as needed
- Treats all those involved in the complaint with respect

5.2 THE COMPLAINTS CO-ORDINATOR (STAFF MEMBER, HEADTEACHER, CHAIR OF GOVERNORS, CLERK AS APPROPRIATE)

The Complaints Co-ordinator should:

- Ensure that the Complainant is fully updated at each stage of the procedure
- Ensure that all people involved in the Complaint Procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and the Freedom of Information Act 2000
- Liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the Complaints Procedure
- Keep records
- Be aware of issues regarding the sharing of third part information and additional support, this may be needed by Complainants when making a complaint including interpretation support

5.3 **THE INVESTIGATOR**

The Investigator is the person involved in Stages One and Two of the procedure. The Investigator's role can include:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through sensitive and thorough interviewing of the Complainant to establish what has happened and who has been involved; consideration of records and other relevant information; interviewing staff and children/young people and other people relevant to the complaint; and analysing information
- Effectively liaising with the Complainant and the Complaints Co-ordinator as appropriate to clarify what the Complainant feels would put things right
- Identifying solutions and recommending courses of action to resolve problems
- Being mindful of the timescales to respond
- Responding to the Complainant in plain and clear language
- Ensuring that they conduct interviews with an open mind and be prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent note taker to record Minutes of the meeting

5.4 **THE ROLE OF THE CLERK**

The Clerk will 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
- Ensure that witness statements are signed and dated
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Notify all parties of the Panel's decision

5.5 THE ROLE OF THE CHAIR OF THE GOVERNING BODY OR THE NOMINATED GOVERNOR

The Chair or nominated Governor's role is to:

- Check that the correct procedure has been followed
- If a hearing is appropriate, notify the Clerk to convene the Panel

5.6 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/carers 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

6 NOTIFICATION OF THE PANEL'S DECISION

- 6.1 The Clerk to the Complaints Appeal Panel will ensure that the Complainant is notified of the Panel's decision, in writing, with the Panel's response, within 10 school days of the hearing. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

7 UNREASONABLE COMPLAINTS

- 7.1 If properly followed, the Complaints Procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the school's internal complaint process having been followed, the Complainant remains dissatisfied. If the Complainant tries to reopen the same issue, the Chair of the Governing Body will inform the Complainant in writing that the hearing at Stage Three concluded the school's internal complaint process and that the matter is now closed subject to the Complainant's right to appeal to the Secretary of State for Education.

8 STAGE FOUR: RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR EDUCATION

- 8.1 Any complainant dissatisfied with the Governors' Complaints Appeal Panel's response to their complaint can bring the matter to the Secretary of State for Education. Further details can be found at <https://www.gov.uk/complain-about-school>.

9 COMPLAINTS NOT IN THE SCOPE OF THIS PROCEDURE

9.1 This procedure covers all complaints about any provision of facilities or services that the school provides with the exceptions listed below, for which there are separate procedures:

- Admissions to the school: concerns should be raised directly with the LA; complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman
- Statutory assessments of special educational needs (SEN): concerns should be raised directly with the LA
- School re-organisation proposals: any proposals being considered will include a consultation process that will identify how concerns or comments can be raised
- Matters likely to require a child protection investigation: please refer to the school's Safeguarding Policy
- Exclusion of children from school: information about raising concerns about exclusion can be found at www.gov.uk/school-discipline-exclusions/exclusions
- Whistleblowing: please refer to the school's Whistleblowing Policy, which sets out the school's procedure for employees and voluntary staff. Other concerns can be raised directly with Ofsted by telephone on 0300 1233155, via email at whistleblowing@ofsted.gov.uk or by writing to WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education
- Staff grievances and disciplinary procedures: please refer to the school's Employee Grievance Procedure and the Disciplinary Procedure
- 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; they should be contacted directly

APPENDIX 1 – COMPLAINTS PROCEDURE SUMMARY

Complaints Procedure Summary

We welcome all feedback that helps us to improve our school and take all concerns seriously.

Stage One: Initial Feedback (or Concern) to School

Parents/carers of school pupils should arrange an appointment to speak to us face-to-face or by phone.

We will always do our best to meet with parents/carers as soon as possible.

Any other persons wishing to provide feedback or raise a concern should contact the reception.

Verbal or written feedback/concern acknowledged within 1 school day.

We aim to resolve most concerns at this stage, offering our initial response within 3 school days. However, in more complex cases we will arrange a meeting, phone call or written response within 10 school days by the most appropriate staff member.

The school will inform the person raising the concern as soon as practical should a longer timeframe be required.

Stage Two: Complaint Heard by Headteacher

The person raising the concern is required to complete a Complaints Form and submit it to the school.

Written concern acknowledged within 1 school day.

If the matter has not been resolved at Stage One, we will arrange a meeting with the Headteacher for further investigation within 10 school days followed by a verbal or written response within 10 school days.

If the concern is about the Headteacher, the matter should be referred to the Chair of Governors c/o the Clerk to the Governing Body. The Chair of Governors or nominated Governor will arrange a meeting with the person raising the concern for further investigation within 10 school days followed by a verbal or written response within 10 school days.

The Headteacher/Chair will inform the person raising the concern as soon as practical should a longer timeframe be required.

Stage Three: Complaint Heard by Governing Body's Complaints Appeal Panel

The Complainant should write to the Chair of Governors c/o the Clerk to the Governing Body.

The Clerk will acknowledge receipt of the complaint within 5 school days.

The Chair or nominated Governor will ask the Clerk to convene a Governors' Appeal Panel if appropriate, to hear the appeal within 20 school days from receipt of the complaint.

The Governors' Complaints Appeal Panel will provide a written response within 10 school days of the appeal hearing.

The Chair of Governors/Clerk will inform the complainant as soon as practical should a longer timeframe be required.

Stage Four: Right of Appeal to the Secretary of State for Education

The Complainant should refer the complaint to the Secretary of State for Education. Further details can be found at <https://www.gov.uk/complain-about-school>.

APPENDIX 2 – RECORD OF CONCERNS/COMPLAINTS RAISED BY PARENTS/CARERS

Shirehampton Primary School



Learn, Aspire, Achieve

Shirehampton Primary School
Record of concerns / complaints raised by parents

<u>Date</u>	<u>Child</u>	<u>Concern raised by</u>	<u>Summary of concern</u>	<u>Planned action</u>	<u>Check in with adult that raised the concern no more than 2 weeks after</u>

APPENDIX 3 – SHIREHAMPTON PRIMARY SCHOOL’S COMPLAINTS FORM – TO BE COMPLETED AT STAGE TWO OF THE COMPLAINTS PROCEDURE

Please complete and return to the school; the Headteacher/Chair of Governors will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil’s name (if appropriate):	
Your relationship to the pupil (if appropriate):	
Address:	
Postcode:	
Day time telephone number:	
Evening telephone number:	
Email:	
Please give concise details of your complaint, including where appropriate, dates, names of witnesses etc, to allow the matter to be fully investigated: <i>(You may continue on separate paper, or attach additional documents, if you wish)</i>	
What action, if any, have you already taken to try and resolve your complaint (eg who have you spoken to or written to and what was the outcome):	
What actions do you feel might resolve the problem at this stage:	
Are you attaching any paperwork? If so, please give details (eg how many additional pages attached):	
Signature:	
Date:	
Official use	
Date form received:	
Received by who:	
Date acknowledgement sent:	
Acknowledgement sent by who:	
Complaint referred to:	
Date complaint referred:	

APPENDIX 4 – ORDER OF THE COMPLAINTS APPEAL PANEL HEARING

- 1 Chair effects introductions
- 2 The Complainant makes submission
- 3 Questions asked by Headteacher
- 4 Questions asked by Panel
- 5 Complainant may call in relevant people to clarify their position, these people can be asked questions
- 6 Headteacher makes submission
- 7 Questions asked by Complainant
- 8 Questions asked by Panel
- 9 Headteacher may call in relevant people to clarify their position, these people can be asked questions
- 10 Complainant sums up their complaint
- 11 Headteacher sums up the school's actions and response to the complaint
- 12 Chair asks both sides to withdraw
- 13 Panel makes decision
- 14 Both sides informed of outcome