

# St Peter's Anglican/Methodist V.C Primary School



*Unlocking our potential for life - long learning*

## Complaints Policy

<b>School Address</b>	Bank Road Pilning South Gloucestershire BS35 4JG
<b>School Contact Number</b>	01454 631137

### 1. General principles, operation and review

In accordance with Section 29 of the Education Act 2002, all local authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The school will take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within its procedure.

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school.

Any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

Complaints need to be considered and resolved as quickly, and efficiently as possible

Complaints against the head teacher are usually first dealt with by the Chair of Governors.

Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body

### Recording Complaints

- A complaint may be made in person, by telephone, or in writing;
  - Brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, the school may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;

- The school should record the progress of the complaint and the final outcome. The head teacher or complaints co-ordinator should be responsible for these records and hold them centrally.
- Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

### **General Principles:**

- This procedure is intended to allow the complainant to raise a concern or complaint relating to the school, or the services that it provides.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- 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.
- Requests to make oral representations should be considered sympathetically.
- Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised;
- If the whole governing body is aware of the substance of a complaint before the final stage has been completed, the school should arrange for an independent panel to hear the complaint. It may approach a different school to ask for help or the local Governor Services team at the LA, or the church authorities;
- Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. The school should consider the request but ultimately, the decision is made by the governors;
- The governing body may wish to consider using complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure;

### **A persistent complaint**

- If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.
- If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, the school must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

### **What criteria may be applied to decide whether it is 'manifestly unjustified, inappropriate or improper'?**

- All reasonable steps have been taken to address matters
- A clear statement has been provided of the school's position
- The school is being repeatedly contacted with the same points being raised
- The school has reasonable grounds for believing that the intention is to cause inconvenience
- Communications are aggressive in tone or content. Abusive, derogatory and/or threatening comments are made

## **Raising a concern or complaint**

### **Informal Stage**

- It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.
- In the case of serious concerns it may be appropriate to address them directly to the Head Teacher (or to the Chair of the governing body, if the complaint is about the Head Teacher).
- If the complainant is uncertain about who to contact, please seek advice from the school office or the Clerk to the governing body.

### **Formal Stage**

- A Complaint Form is provided to assist the complainant.
- The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.
- It is very important that the complainant includes a clear statement of the actions that he/she would like the school to take to resolve your concern. Without this, it is much more difficult to proceed.
- The completed form should be passed, in a sealed envelope to the school office. The envelope should be addressed to the Head Teacher, or to the Clerk to the governing body, as appropriate.
- The Head Teacher (or Chair) may invite the complainant to a meeting to clarify his/her concerns and to explore the possibility of an informal resolution. If that invitation is accepted, the complainant may be accompanied by a friend, if they wish, to assist them in explaining the nature of their concerns.
- It is possible that the complaint will be resolved through a meeting with the Head Teacher (or Chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case the complainant should learn in writing, usually within 5 days of the school receiving the formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale.
- Any investigation will begin as soon as possible and when it has been concluded, the complainant will be informed in writing of its conclusion.
- If the complainant is not satisfied with the manner in which the process has been followed, he/she may request that the governing body reviews the process followed by the school, in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Review Request form is provided for the complainant's convenience.

## Review Process

- Any review of the process followed by the school will be conducted by a panel of three members of the governing body. This will usually take place within 10 school days of receipt of the request.
- The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.
- The complainant will be informed about the outcome of the review.
- The complainant may refer to the Secretary of State if they are not satisfied with the outcome.

## We acknowledge the advice of the NAHT and Gov. UK in the drawing up of this document.

Further information Useful Resources and External Organisations

- National Governors Association
- Information Commissioner's Office Other Relevant Departmental Advice and Statutory

Guidance

- Section 29 of the Education Act 2002
- Governors Handbook
- Understanding and Dealing with Issues Relating to Parental Responsibility Other Departmental

Resources

- How to complain about a school - Advice for complainants
- Parental Responsibility Guidance – non-statutory advice for schools

## 2. Appendices

1. Roles and responsibilities
2. Areas outside the scope of this policy
3. Model Forms and Letters

## 3. Reason for Re-Issue

This policy will be reviewed by the Foundation Governors in line with the overall policy timetable which is every 2 years.

Date	Reason re-issued	Version
May 2017	Updated	May 17

#### 4. Policy Agreed:

Chair of Governors ..... Date 18<sup>th</sup> May 2017

Head Teacher..... Date 18<sup>th</sup> May 2017

Version 05/2017	Date
Adopted by Governing body	18.05.2017
Next Review Date	May 2019

## **Appendix 1 – Roles and Responsibilities**

### **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.

### **The Complaints Co-ordinator (or head teacher)**

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 Freedom of Information Act 2000;
- liaise with staff members, head teacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
- sharing third party information;
- additional support - this may be needed by complainants when making a complaint including interpretation support.

### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 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;
- 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; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure 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.

### **The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)**

The Clerk is the contact point for the complainant for the panel meeting and is expected 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;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

### **The Panel Chair**

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have 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 – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

### **Panel Member Panellists will need to be aware that:-**

- it is important that the review panel 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.
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; However, it must 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.
- many complainants will 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.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing; Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should

respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

## Appendix 2

The DfE's advice identifies areas lying outside the scope of school procedures.

Exceptions	Whom to contact
<ul style="list-style-type: none"> <li>• Admissions to school</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection investigation</li> </ul>	Local authority.
<ul style="list-style-type: none"> <li>• Exclusion from school</li> </ul>	Parents and carers may use procedures to challenge permanent exclusions and fixed term exclusions of more than 5 days in a given term. Concerns about the process followed can be raised via the complaints procedure.
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<ul style="list-style-type: none"> <li>• Schools should have an internal procedure for employees and volunteers.</li> <li>• Ofsted may be contacted by email (<a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a>) telephone (03001233155) or in writing (WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD).</li> </ul>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	Schools <b>must</b> have staff grievances, discipline and conduct procedures in place. Complainants are not informed of the outcomes of actions under this procedure.
<ul style="list-style-type: none"> <li>• Complaints about services provided by external bodies using a school's premises or facilities.</li> </ul>	Providers should be contacted directly and have their own procedures for such eventualities.

## Appendix 3

### Model Forms and letters

I wish to meet [name of teacher] to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):

Pupil's name (if relevant to the matter to be discussed)

Your Address:

Telephone numbers

Daytime:

Evening:

e-mail address:

**Signed** .....

**Date** .....

[Please complete this form and return it to the school office]

### School use:

Date Form received:

Date response sent:

**St Peter's Anglican/ Methodist V.C Primary School  
School Formal Complaint Form**

Please complete this form and return it to the school office or to the Head Teacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school (e.g. parent of a pupil on the school roll):

.....

Pupil's name (if relevant to your complaint):

.....

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

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 documents, 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?

Date:

**School use:**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

**St. Peters Anglican/Methodist V.C. Primary School  
School Complaint Review Request Form**

Please complete this form and return it to Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Your Address:

Telephone numbers:

Daytime:

Evening:

E-mail address:

Dear Sir

I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to .....  
and I received a response from .....  
on .....

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

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:

Request referred to:			
Date:			

## **Model Letters**

### **Response to spurious complainant**

Dear [Name of complainant]

Thank you for submitting your concern in the letter received on the [insert date]. After careful consideration, unfortunately, I am unable to deal with this matter under the Governing Body's Complaints Procedure. This is because:

*[we suggest that you include one of the following statements]*

- The substance of your complaint has been addressed under the complaints procedure already.
- The concerns that you raise do not fall within the scope of this procedure *[suggest alternative for example: admissions policy, exclusion policy, behaviour policy, grievance procedure etc]*

If you wish my decision to be reviewed then you can follow the school's Formal Complaint Procedure, by writing to the Clerk to the Governing Body.

Yours sincerely,

Head Teacher  
Or Chair of Governing Body

**Acknowledgement of receipt of formal complaint and invitation to meet**

Dear [Name of Complainant]

I have received your formal complaint, dated ..... I am grateful that you have brought this to my attention.

The school and governing body take any complaint seriously. Therefore, I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful. *Please telephone..... in order to arrange an appointment. **OR** I can offer you an appointment at .... on ,..... Please let me know if this is convenient.*

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place.

Yours sincerely,

Head Teacher  
Or Chair of Governing Body

**Acknowledgement of receipt of formal complaint referred by a third party [e.g. LA, Diocese, MP]**

Dear [Name of Complainant]

I have received a copy of the documentation that you sent in to ..... setting out a complaint about ..... . This has been passed to the school as it has responsibility for these matters.

The school and governing body take any complaint seriously. Therefore I would like to meet with you, so that I may understand the details of your concerns more clearly. Please telephone ....., in order to arrange an appointment. **OR** I can offer you an appointment at ..... on ..... Please let me know if this is convenient.

Meanwhile I would be grateful if you would complete and return the Formal Complaint Form that is enclosed, along with details of the school's complaints procedure.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place.

Yours sincerely,

Head Teacher  
Or Chair of Governing Body

**Acknowledgements of receipt of formal complaint and advising complainant that the matter is being dealt with under a confidential school procedure**

Dear .....

I have received your formal complaint, dated ..... I am grateful that you have brought this to my attention.

The school and governing body take any complaint seriously. Therefore I have initiated an immediate investigation. It is possible that the investigator will wish to meet with you to clarify the evidence that you have provided so far. If so, he/she will write to you to make suitable arrangements.

As your concerns relate to the conduct/capability of a member of staff, the investigation will be carried out under the school's personnel procedures. This means that the detail of the procedure and its outcome **must** remain confidential to the school and the member of staff concerned.

**OR**

As your concerns relate to the behaviour of a pupil, the investigation will be carried out under the school's pupil conduct and disciplinary procedures. This means that the detail of the procedure and its outcome must remain confidential to the school and the parents of the child concerned.

In due course, I may be able to provide you with some information about the outcomes of the investigation and the processes that have been followed, but in any event will let you know when the matter has been concluded.

If I can be of any further assistance, please do let me know.

Yours sincerely,

Head Teacher  
Or Chair of Governing Body

## **NOTIFICATION OF DECISION REGARDING FORMAL COMPLAINT**

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

The concern is not substantiated by the evidence in that .....

**OR**

The concern was substantiated in part/in full, as ..... The school will review its practices/procedures..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

**OR**

In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur

**OR**

In order to address fully the matters of concern that you identified, the panel recommended that the governing body should review its ..... policy, as a matter of urgency. We are confident that this should prevent similar concerns arising in future.

I hope that this will now conclude the matter and we can look to the future working together for the benefit of your child's and the school.

Yours sincerely,

Head Teacher/Chair of Governing Body/Chair of Panel

## REVIEW OUTCOME NOTIFICATION

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint.

Summary of reasons .....

Therefore, we now consider the matter closed.

**Or**

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except .....

Therefore, the following action will be taken .....

Once this action has been completed the school will consider the matter to be closed.

**Or**

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except .....

However the panel determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of Complaints Review Panel

c.c. Head Teacher  
Chair of Governors