

Reviewed Jan 2021

Next Review Jan 2024

Bewdley Primary School



Complaints Procedure

Introduction

The school's relationship with parents plays an important part in providing a partnership centred on children achieving their best in all aspects of their education. The school strives to provide many opportunities for parents / carers to communicate their views or concerns.

Opportunities to raise concerns before initiating a formal complaint

Meeting with the class teacher. In the first instance any parents / carers concern about their child's time at school is usually addressed by talking to the class teacher. Where a meeting is required to address a concern this is best done by making an appointment for a meeting at the end of a school day.

Meeting with the headteacher. Where a meeting or series of meetings with the class teacher does not successfully address the concern parents should request a meeting with the headteacher. Where possible the headteacher will try to see parents without an appointment but it is helpful if an appointment can be made so that sufficient time can be set aside to meet and comprehensively consider the matter.

Meeting with other school staff. It may sometimes be helpful for the parents / carers to meet with a range of staff following/during these initial meetings. This may include; teacher & headteacher together, Key Stage Leaders/Senior Leaders, SEN Coordinator (Leader of Children's Learning) and outside agencies. Where this is necessary mutually convenient times will be arranged.

Note. For some matters it may be appropriate for parents / carers to contact the headteacher in the first instance without initial recourse to the class teacher. If this is the case, a meeting should be arranged through the school office.

Contacting Governors. Parents / carers should also feel free to raise matters with governors about school policy and organisation at any time. This can be done by writing to the Chair of Governors c/o The School Office or by e-mail; governorchair@bewdleyprimary.worcs.sch.uk .

Making a Formal Complaint. On rare occasions parents / carers may feel the school has not addressed the issue to their satisfaction through the approaches set out above. When this happens parents / carers may want to seek redress through the Formal Complaint Procedure.

Summary for Dealing with Complaints

Stage 1 – Complaint heard by staff member (as soon as possible)

- Ensure complaints co-ordinator (Headteacher) informed of outcome

Should a Governor be approached with a complaint at this stage, they should advise the complainant of the correct procedures and, in the first instance, direct them to the relevant class teacher. Should this be inappropriate, they may escalate immediately to Stage 2 and suggest that the complainant speak to the headteacher. For serious concerns of misconduct, the headteacher should be informed immediately or, if the complaint regards the headteacher, then the Chair of Governors should be informed. Governors should also direct any complainant to the school website where they can view the Complaints Policy and Procedure.

If not resolved, then escalate to:

Stage 2 – Complaint heard by **Headteacher (within two weeks of original complaint)**

In the first instance this may be an informal complaint but complainant can escalate to formal meeting by completing complaints form.

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation (**within 5 working days**)
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to:

Stage 3 - Complaint heard by **Chair of Governors**

- Acknowledge receipt of complaint (**within 5 working days**)
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 4 if dissatisfied

If not resolved, then escalate to:

Stage 4 – **Governor's complaints panel**

- Initial meeting arranged (Within 10 working days of receipt of complaint to Chair of governors).

If necessary escalate to Formal Meeting.

- Formal Meeting (within 15 working days of the decision to hold a Formal meeting and no more than 25 working days from receipt of the Formal Complaint)
- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision (within 5 working days of Formal meeting)
- Responses to Panel decision and written report attached to report (within 5 working days of decision being circulated)
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Secretary of State for Education

Stage 1 (informal): complaint heard by staff member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they will know what to do when they receive a complaint.

It would 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 (this will usually be the headteacher but may also be an appropriate member of staff or governor) can refer the complainant to another staff member. Where the complaint concerns the headteacher, the complainant will be referred 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 next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did 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 a complainant makes an appointment to discuss their concerns with a member of staff, it should be the responsibility of that member of staff to record the concern and the outcome of the meeting. Informal 'chats' may not be logged.

Stage 2 (formal): complaint heard by headteacher

The headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken. In the first instance, the Headteacher should listen to the complainant's concerns and investigate the nature of their complaint. Following feedback from this, the headteacher should explain the process by which the complainant should proceed if they are dissatisfied with the outcome. The Headteacher may direct the complainant to complete the formal Complaint Form (Appendix 1). All concerns brought to the headteacher should be recorded for future reference.

Stage 3 (formal): complaint heard by Chair of Governors

If the complainant is not satisfied with the response of the headteacher or the complaint is about the headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further. The Chair of Governors should acknowledge receipt of any complaint within five working days.

Following contact with the Chair of Governors, the complainant should indicate whether they want to proceed with the next stage of the formal complaint.

If the complainant wishes to proceed the Chair of Governors should organise a Complaint Committee comprising of at least three serving governors and fix the date of the Initial Meeting.

Outcome of Initial Meeting (Within 10 working days of receipt of complaint to Chair of Governors)

- The Complaint Committee should elect a Chair of the Complaint Committee at the **Initial Meeting** or sooner.
- Within ten working days of receipt of the complaint by the Chair of Governors the **Initial Meeting** of the Complaint Committee should take place.
- The Clerk to the Governors or other suitable administrator should attend to minute the meeting and support the work of the committee.

Following the **Initial Meeting** of the Complaint Committee, the committee should either:

- Communicate their findings to the complainant in writing and close the matter

OR

- Instigate the next stage of the Formal Complaints Procedure and hold a **Formal Meeting** to hear the complaint.

It is the responsibility of the Chair of the Complaint Committee to communicate their findings to the complainant and the Chair of Governors OR to inform them that a Formal Meeting will be held.

Stage 4 (formal): complaint heard by Governing Bodies Complaints Appeal Panel (within 15 working days of the decision to hold a Formal meeting and no more than 25 working days from receipt of the Formal Complaint)

- Within 15 working days of the decision to hold a Formal Meeting the meeting should take place.
- Where a Formal Meeting is instigated relevant persons in school will receive a letter from the Chair of the Complaint Committee informing them that a Formal Complaint has been made against the school and inviting their cooperation in the complaint procedure.
- At the same time relevant persons will be provided with a copy of the complaint and all related documents.
- Relevant persons contacted by the Chair of the Complaint Committee will have ten days from receipt of the letter, complaint and documents to submit a report giving their view of the situation giving rise to the Formal Complaint.
- At least three days before the Formal Meeting all governors on the Formal Complaint Committee, the parents / carers making the complaint, and all relevant persons in school will be provided with copies of all documentation submitted by the complainant and all relevant persons in school.
- It is the responsibility of the Chair of the Complaint Committee to circulate the relevant documents to all parties.

The Formal Meeting

Before the Formal Meeting

- The Chair of the Complaint Committee should invite the complainant, relevant persons in school and where appropriate an officer of the Local Authority or other person(s) to support the work of the committee to the Formal Meeting.
- The invitation should be given in writing at least ten days before the meeting unless all parties agree to a different timescale.
- All parties invited to the meeting should be able to bring along a friend for support at the meeting. This friend may be a legal representative or union official.
- The Formal Complaints Committee in a Formal Meeting should consist of a Chair of the Formal Complaint Committee and at least two other governors.
- The work of the Formal Complaint Committee may be supported by the Clerk to the Governors or other suitable administrator who should minute the meeting.

At the Formal Meeting

Opening the Meeting

- The Chair of the Complaint Committee should welcome everyone to the meeting and invite everyone to introduce themselves so the Clerk may record attendance.
- The Chair should explain the purpose and structure of the meeting

Presenting the Complaint

- The Chair should invite the complainant to present their complaint and supporting evidence.
- The committee should then ask questions directed to the complainant to clarify their understanding.

Responding to the Complaint

- The Chair of the Complaint Committee should invite relevant persons from the school to present their response to the complaint and supporting evidence.
- The committee should then ask questions directed to the relevant persons from the school to clarify their understanding.

Closing the Meeting

- Following questions to the relevant persons from the school the Chair of the Complaint Committee should invite the complainant to make a closing statement.
- Following the closing statement of the complainant the Chair of the Complaint Committee should invite the relevant persons from the school to make a closing statement.
- Following the closing statements the Chair of the Complaints Committee should ensure that all parties are aware of the next steps following the Formal Meeting.
- The Chair should thank all parties for attending and for their contribution to the Complaints process and formally close the meeting.

After the Formal Meeting

As soon as possible after the Formal Meeting the Complaints Committee should meet to deliberate and consider their report. The Clerk to the Governors or other suitable administrator should minute the deliberations and support the work of the Complaints Committee.

The Report of the Formal Meeting (Within 5 working days of the Formal Meeting)

- Within 5 working days the Formal Complaint Committee should produce a report.
 - The report should Uphold or Reject the complaint made.
 - Give the grounds on which the decision was made
 - Make recommendations to improve school performance where appropriate
 - Indicate if further actions need to be taken
- The report should be circulated to: the Chair of Governors; the Formal Complaint Committee; the complainant and all relevant persons in school.

After the report of the Formal Meeting

Responses to the Formal Report (within 5 working days)

- Following the report of the Formal Complaint Committee the Chair of the Committee should accept responses to the report from:
 - The complainant
 - The relevant persons in school
 - The Chair of Governors
 - Members of the Complaint Committee.
- Responses received within 5 days of the report being circulated should be attached to the report and form part of the record of the Complaint Procedure

Following receipt of responses the Complaint Procedure is closed and any outcomes become the responsibility of the governing body.

Where a complainant is not satisfied with the outcome of the Complaint Procedure they may submit a further Formal Complaint against the work of the Complaint Committee or refer their complaint to the DFE.

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:

Department for Education 2nd Floor, Piccadilly Gate Manchester M1 2WD

Guidelines Regarding Stage 4 of the Formal procedure

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole GB 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.

The remit of The 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.

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.
- b. 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. Where possible, the panel should be representative of governors from varying race, religious and gender groups to ensure impartiality and credibility.
- c. 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 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.
- 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.

Roles and responsibilities

The role of the clerk

The clerk should 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 (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

The role of the Chair of the Governing Body or the nominated governor

The nominated governor role:

- Check that the correct procedure has been followed;
- If a hearing is requested, 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;
- 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.

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, with the panel's response (including the reasons for the decision); 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. This may be the LA or Diocesan Board.

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:

Department for Education 2nd Floor, Piccadilly Gate Manchester M1 2WD

What will the Department for Education do?

- If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.
- If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

Checklist for a panel hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- 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.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

Appendix One – Formal Complaint Form 1

Bewdley Primary School

Parent / Carer Formal Complaint Form

Name of Parent / Carer:		
Address for Correspondence:		
Post Code:		
Contact Phone Number:		
Contact e-mail:		
Name of child(ren) (if relevant):	Class:	Year:
Brief Summary of Complaint: Further details of the complaint may be attached as a Relevant Document		
Relevant Documents: List all documents attached to this form as part of the Formal Complaint		

What outcomes would you like to see from this Formal Complaint:

What action, if any, have you already taken to try and resolve your complaint.

(Who did you speak to and what was the response)?

Signed:

Date:

Date Received by Chair of Governors:

Received by: