



Cowbit St Mary's Church of England Primary School

Procedure for Complaints About Schools

Introduction

This procedure covers complaints relating to the school, and any community facilities or services provided by the school.

At Cowbit St Mary's School, all the staff are dedicated to giving all the children the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents/carers and believe that the school and parents/carers must work in partnership, each carrying out their particular responsibilities to help the pupils gain the most from their time at school. We also desire to have good relations with our neighbours and the wider community. If you feel that something is not going quite as you would like it to, that we are doing something you are unhappy with, or not doing something you feel we should, please tell us about it.

The starting point for this procedure is to differentiate between a 'concern' and a complaint. A concern can generally be dealt with by a discussion between the parties concerned. If it is not resolved it might then grow into a complaint. It is worthwhile at this point to define what is meant by a complaint. "A complaint is an expression of dissatisfaction which needs a response from the school".

Step 1

In the first instance, please discuss your concern with your child's class teacher or with the particular teacher concerned.

Usually, teachers are available for a short while after classes have finished, but to make sure that the teacher has time to listen properly to what you have to say, it may be worth telephoning the school to make an appointment. We would hope that most concerns can be resolved in this way. The teacher will not only try to address your concern but will report the matter to the Headteacher so that he is aware of your concern and what is being done about it. If you are not the parent/carer of a child at our school, please start at the Step 2 and make contact with the Headteacher to discuss your concerns.

It is important that time is given for this initial step to have some effect. You should allow the teacher time to respond. The response may be immediate and the issue resolved straight away, on another occasion it may require longer to do something. You should give the teacher a reasonable amount of time depending on the circumstances of the concern raised.

Step 2

On rare occasions, if after speaking with the teacher, and after having allowed sufficient time to deal with the issue, if the concern cannot be resolved by Step 1, or after doing this, you do not feel that your concern has been properly addressed, or if your concern is about the conduct of a particular teacher, please discuss the matter with the Headteacher. It would be helpful to telephone the school and make an appointment so that the Headteacher can set aside the time to sit down and talk through the situation carefully with you. Invariably, matters can be sorted out satisfactorily this way.

It may be necessary to meet with the Headteacher more than once to resolve the concern or to meet with the class teacher and the Headteacher together. If your concern is about the Headteacher, and you do not feel the concern has been resolved after Step 1, then the next Step in this case would be Step 3, and then 4.

Step 3

If Step 2 fails to resolve the concern please write to the Headteacher setting out your formal complaint and he will acknowledge your concerns in writing within five school working days. The acknowledgement letter should also indicate the date by which you can expect to receive the Headteacher's written response to your formal complaint letter. This will normally be within ten school working days from the date of the acknowledgement letter. If your concern is about the Headteacher, and you do not feel the concern has been resolved after Step 1, then you should make a formal written complaint to the Vice Chair of Governors, addressing your envelope to the Clerk to the Governors, care of the school's address. You should receive an acknowledgement from the Vice Chair within five school working days. The acknowledgement letter should also indicate the date by which you can expect to receive the Vice Chair's written response to your formal complaint letter. This will normally be within ten school working days from the date of the acknowledgement letter.

Taking matters further

Step 4

In exceptional circumstances, if you are dissatisfied with the Headteacher's response to your formal complaint or, if your complaint is about the conduct of the headteacher, you are dissatisfied with the response of the Vice Chair of Governors, then you may wish to pursue the matter further and more formally with the Governing Body of the School by contacting the Clerk to the Governors who will convene the Governors' Complaints Committee.

For complaints against the Chair of Governors, or any individual Governor, you should also write to the Clerk to the Governors who will initiate the correct process. The Chair of Governors would normally consider complaints against an individual governor, and the Vice Chair of Governors would normally consider complaints against the Chair of Governors.

You must:

Set out your concern in writing, together with any correspondence and evidence to support your claim, and address it to the Clerk to the Governors at the school address. If you feel you are not able to do so you may contact the Clerk who will record your complaint as a statement for you to sign. (A Model form is available for completion if required.)

The Clerk will acknowledge receipt of the complaint within five school working days. The acknowledgement letter will explain the process which is to be followed and the expected timescale for that process. Where your complaint is considered under written representations, this process may take up to twenty-eight school working days to allow for the collection of representations and evidence.

The Governing Body's Complaints Committee (or the relevant Governor in the case of a complaint against an individual Governor) will consider the complaint and write to advise you of the outcome within the timescale provided by the Clerk. If the complaint concerns the Headteacher, the Complaints Committee will not include the Chair of Governors or the Vice Chair of Governors; the Committee and Chair of the Committee in this case will be agreed by the Governors.

You may be invited to meet the Complaints Committee, if the Governors decide this is necessary.

If at any stage of the process we believe we are unable to meet the timescales which have been provided for you we will contact you to inform you of the reasons for any delay and to provide you with a new timescale for the conclusion of that part of the process.

In dealing with complaints the Governing Body will ensure that the matter is dealt with in a fair and equitable manner.

External Appeal

The decision of the Governors is normally final. However, if you are dissatisfied with the Governors' response, you may be able to take your complaint to an external body. For certain complaints, complainants can write to the Secretary of State for Education. You must do this in writing either by post to:

School Complaints Unit,
Department for Education,
2nd Floor, Piccadilly Gate,
Manchester.
M1 2WD

Or, by using the online School Complaints form. This can be assessed at:
<https://www.gov.uk/complain-about-school>

You should be aware that the School Complaints Unit (SCU) will usually only consider a complaint once the school's internal processes have been exhausted. The SCU will examine whether the complaints policy and any other relevant policies were followed in accordance with the provisions set out. The SCU will also examine whether the school's policies adhere to education legislation. The SCU will not reinvestigate the substance of the complaint. Unless your complaint is about the Governors' response or lack of response, your complaint will generally have to be considered first by the Governing body of the school.

Parents should also be aware of 'Parent View', a website that allows parents to give their views about their school. This website can be accessed via the school's own website.

Resolution

If a complaint is upheld a letter will be sent to you and an explanation of the steps being taken to ensure that the situation will not occur again together with timescales for the completing of actions. If the complaint is not upheld, then the judgement will be fully explained to you so the reasons can be understood.

Time Limits

You should make the school aware of your complaint as soon as possible after the matter or incident has occurred that you wish to complain about. Usually, we would expect you to do this within three months of the incident occurring and if you do not contact the school within that time, we will not usually consider your complaint. If your complaint relates to a continuing act, then occurrences outside of the three month time limit will usually be considered alongside the more recent occurrence. If you feel there are exceptional circumstances that have prevented you from meeting the time limit, you can provide an explanation of these circumstances along with your complaint so that Governors can take them into account. The final decision rests with Governors as to whether your complaint will be considered when it is raised outside of the three month time limit.

Unreasonable Complainant Behaviour

Staff and Governors are keen to ensure that all genuine complaints are dealt with fairly and promptly and in accordance with our agreed procedures. We would again emphasise that most matters can be resolved by discussing issues with our staff at the informal stages of this procedure. Regrettably, there are times when complainants raise issues with or about staff in ways which are unacceptable. This can cloud the concern at the heart of the complaint, which may result in the delay or

hindrance of a resolution. It can also have an adverse effect on pupils, staff and the effective running of the school.

Examples of behaviours that we consider to be unacceptable are as follows:

- Using abusive or threatening language and/or behaviour.
- Making excessive demands on staff time and resources in pursuit of a complaint, whether in person, by phone, email or letter.
- Harassing individual staff members in a way which appears intended to cause personal distress rather than to find a resolution.
- Refusing to cooperate with the Complaints Procedure as set out in this Policy.
- Persisting in repetitious complaints when these have been previously determined under the school Complaints Procedure.
- Changing the basis of the complaint as the consideration proceeds and/or making unjustified complaints about those trying to deal with the complaint.
- Pursuing unreasonable outcomes which are disproportionate to the nature of the matters in hand.
- Electronically recording meetings, telephone calls and conversations without the prior knowledge and consent of the other persons involved.

The school expects that any person wishing to raise a concern or complaint will:

- Follow the school complaints procedure.
- Treat all members of the school community with courtesy and respect.
- Recognise the time constraints that staff operate under and allow them a reasonable amount of time in which to respond/address any issues.

Where a complainant raises a complaint in a manner which the school feels is unreasonable, actions may be taken to remedy this. The actions will be proportionate to the nature of the behaviour and may include:

- An informal approach to inform the person that the behaviour is unacceptable and needs to be modified.
- A formal written communication advising the person that the behaviour is unacceptable and appropriate action may be taken if the behaviour is not modified.
- Setting limitations on the method and frequency of contact with staff/school personnel.
- Refusing to register and process further complaints about the same or similar subject matter where the matter has already been determined, or where complaints are vexatious, or where complaints are personally harassing and deliberately targeted at one or more members of staff without good cause.
- Setting limitations on the person's access to the school site.

It should be noted that parents/carers and members of the wider community do not have an automatic right to enter school grounds and may be banned from entering the school site with immediate effect after an incident where behaviour has been verbally and/or physically aggressive.

Any restrictions placed on a person as a result of this policy will be time limited, with a specified date as to when the restrictions will be reviewed and potentially lifted.

Again we would emphasise that the Headteacher and Governing Body are committed to ensuring a full and fair consideration of all legitimate complaints and we recognise that the majority of parents/carers and members of the wider community will conduct themselves in accordance with this procedure. However we reserve the right to take any necessary actions under this procedure in those rare cases where a person does not.

Review

This policy will be reviewed annually.

Policy reviewed November 2016

Approved by Governors 15/11/2016

To be reviewed November 2017

COMPLAINTS ABOUT SCHOOLS - COMPLAINT FORM

Please complete and return to the Headteacher or the Clerk to the Governors depending on the stage of your complaint. You will receive an acknowledgement and an explanation of the process.

Your Name:

Pupil's Name:

Your relationship to the Pupil:

Your address:
.....
.....

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint:

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

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

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

.....
.....

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

.....
.....

Signature:

Date: ___/___/___

School Use:

Date acknowledgement sent: ___/___/___

By whom:

.....

Complaint referred to:

Date of referral: ___/___/___

COMPLAINTS ABOUT SCHOOLS – GUIDANCE FOR GOVERNORS

Complaints must not be raised at Governing Body Meetings, but should be dealt with by the relevant Committee

- If a person is not satisfied with the response from the Headteacher regarding a complaint or from the Chair of Governors if a complaint is about the Headteacher, then he/she is entitled to take their complaint to the Governing Body.
- All complaints to the Governing Body must be in writing and should include full details of the complaint and enclosing any supporting evidence. This should be sent to the Clerk to the Governors, care of the school. The Clerk will then ensure the complaints process is started as soon as practicable (a complainant can request that the Clerk to the Governors write down the complaint on their behalf where writing a letter is difficult).
- A minimum of three Governors will be selected from the Pool of Governors to form the Complaints Committee to consider the complaint. The Chair of Governors will not be on the Committee. Those Governors chosen will ideally have no knowledge whatsoever of the details surrounding the complaint or of the complainant themselves. In the case of a complaint about the Headteacher, the Chair and the Vice-Chair will not be on the Committee. The Complaints Committee can choose its own Chair if necessary.
- It is appreciated that it may not always be possible to find Governors with no knowledge at all, but the Governing Body will always try to find Governors who are as impartial as can be.
- Once the Complaints Committee has been formed, they must ensure they are familiar with the school's Complaints Procedure. They must then decide how they wish to consider the complaint.
- The Governors effectively have two options available. They can choose to deal with the complaint by means of an oral hearing or through written representations, but in making their decision, they will be sensitive to any needs the complainant has. The LA advice is that whenever possible and appropriate, it should be through written representations.

Oral Hearings

- If the Governors choose to have an oral hearing, the complainant will be invited to attend a meeting, where they will be able to put their complaint personally to the Governors. The complainant should receive not less than ten days' notice of the meeting. The complainant should also be advised that they have the right to submit any further information or documentation relevant to the complaint and that this information should be received in sufficient time so it can be provided to the Committee at least five working days before the hearing. They should also be informed that any written materials will be provided to the Headteacher in advance of the hearing.
- The Clerk to Governors will inform the Headteacher of the time and date of the meeting, invite him/her to attend and provide all the details of the complaint available at that time so that the Headteacher can provide a written report in response to the complaint. This report should be provided at least five working days before the meeting so it can be shared with all the parties.
- The Headteacher should attend the oral hearing to respond to the complaint. Teachers should not attend. If their evidence is needed, it should either be obtained via the Headteacher, or where this is not appropriate, by a Governor either before or

after the meeting with the complainant. Written evidence should generally be made available to all parties at least five school working days in advance of the hearing, subject to any data protection constraints. The Data Protection Office at County will be contacted if there are any concerns as to what materials can be shared. The Governors will only make a decision about the complaint once they have heard the complainant's and the school's evidence.

□ The structure of such a meeting should be flexible. However, it is anticipated it will follow a similar process to admission appeals. The Chair of the Complaints Committee should outline the procedure. The complainant will then present his/her case. The Complaints Committee should have familiarised themselves with the written complaint before the meeting opens and will then have an opportunity to ask any questions, as will the Headteacher. The complaint will then be responded to by the Headteacher with questions from both the complainant and the Complaints Committee being permitted. Each party will then summarise their position in brief. Both parties will then leave to allow the Governors to make their decision in private. The complainant and the Headteacher should enter and leave the room at the same time; neither should be alone with the Committee.

□ Both the complainant and the Headteacher will be entitled to bring a representative with them if they wish. Although it would not normally be necessary, either party may bring a legal representative if they wish. Either party intending to bring a representative will be expected to contact the Clerk to the Governors before the hearing to notify them.

□ The meeting will be clerked by the Clerk to Governors and copies of the Minutes will be shared with all parties involved in the hearing, thus affording them a reasonable opportunity to agree and if necessary challenge the content.

Written Representations

□ If the Governors do not wish to hold an oral hearing – that decision being at the discretion of the Complaints Committee – the consideration will proceed by way of written representations.

□ Should the Governors choose to adopt this procedure, the Clerk to the Governors will write to the complainant outlining the procedure.

□ The complaint will be forwarded to the Headteacher who will then have 7 days in which to respond.

□ That response will then, in turn, be sent to the complainant for comment, any responses to be provided within 7 days.

□ Finally, that response will go to the Headteacher who has 7 days in which to respond to the Clerk.

□ A copy of the Headteacher's final response will be sent to the complainant with the advice that it is only for their information and that any further response from the complainant will not be considered except in exceptional circumstances.

□ All the responses are then put before the Complaints Committee for consideration.

□ For the avoidance of doubt, all communication should be through the Clerk to the Governors, neither party should send their response to the other directly.

Adjudications

- Regardless of which method is adopted, the Complaints Committee must take a robust approach and not simply endorse the decision of the Headteacher without any consideration of the evidence.
- The Complaints Committee must have all the necessary evidence they feel is necessary for them to make their decision. If they are not satisfied and require further evidence from either party, they should adjourn and request that information. The Complaints Committee should only make their decision if they are satisfied they have sufficient evidence with which to make a final decision.
- The decision of the Complaints Committee will be given to the complainant in writing within five working days of the decision. Providing the procedures as laid down in the Complaints Procedure are followed then there is no right of appeal following the decision.
- The decision letter will outline the nature of the complaint, the factors taken into consideration and the decision of the Complaints Committee. In the case of written representations, the decision letter should be sufficiently thorough so as to obviate the need for the minutes to include any other information.
- Under the Data Protection Act, complainants can request to have sight of all documents relating to their complaint, subject to restrictions as detailed in Section AO6 of the School Administration Handbook (Disclosure of Information to Parents and Others).

It is important that the complaint and investigation papers are not attached to a child's file as they do not relate to the child. However, a central register of complaints will be kept.

The monitoring and review of complaints can be a useful tool in evaluating a school's performance.