

St Chad's C of E (VC) First School Complaints Procedure

Approved by the Governing Board 7th May 2021.

Review Date Spring 2023

Finally, beloved, whatever is true, whatever is honourable, whatever is just, whatever is pure, whatever is lovely, whatever is commendable, if there is any excellence, if there is anything worthy of praise, think about these things. What you have learned and received and heard and seen in me—practice these things, and the God of peace will be with you. Philippians 4:8-9

Introduction

St Chad's C of E (VC) First School endeavours to provide the best possible education for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the Governing Board of St Chad's C of E (VC) First School has approved the following procedure which explains what you should do if you wish to make a complaint about the school. All members of staff will be familiar with the procedure and will be able to assist you. The Governing Board views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person (complainant) that has made the complaint. Our policy is:

- To provide a fair complaints policy which is clear and easy to use for any person wishing to make a complaint; whether it be from parents and carers of children at the school to members of the general public who wish to raise concerns about the provision of facilities or services that the school provides.
- To publicise the existence of our complaints policy so that people know how to contact us to make a complaint
- To make sure all complaints are investigated fairly and in a timely way
- To make sure all complainants are treated respectfully during the course of the complaint.
- To make sure that complaints are, wherever possible, resolved and that relationships are repaired
- To gather information which helps us to improve what we do.

Complaints that fall outside of this procedure

Complaints relating to the following issues are covered by a separate/specific policy.

- Pupil admissions; please see the school's admissions policy or contact the admissions team at Staffordshire County Council.
- Pupil exclusions; please see the school's Behaviour Policy

- Staff grievance, capability or disciplinary; these are covered by the school's disciplinary procedure.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Subject Access Requests and Freedom of Information Requests - please see the school's Data Protection and Freedom of Information policy

These policies are available on the school website or on request from the school.

When managing parental complaints related to SEND (any of the following may apply):

- All SEND complaints must follow the school's formal complaints procedure.
- The SEND governor is consulted.
- External advice may be sought.
- Key legislation regarding the matter is identified.
- Good levels of communication with the parents/carers are maintained throughout the process.
- Meetings with the parents/carers are arranged, perhaps involving a mediator such as parent support.
- Key issues are identified including where there is agreement.
- Discussions should take place with the SENCO.
- Reports provided by outside agencies should be considered.

SEND complaints should first be raised with the SENCO (Headteacher), if unresolved then with the SEND Governor.

Resolving concerns informally

For the purpose of this procedure concerns are defined as having a worry or doubt over an issue considered to be important for which reassurances are sought. The majority of concerns can be dealt with without resorting to the formal stages of the formal complaints procedure (see below). There are inevitably issues that arise that, if dealt with promptly and in a considerate manner, will avoid the need for a formal complaint. Any problem or concern should be raised promptly with the class teacher or member of staff responsible for the area you are concerned about in order for reassurances to be sought. Our complaints policy is not intended to replace the normal informal discussions that take place between parents/carers and teaching staff. If your concern is more serious you may prefer to make an appointment to discuss it with the member of staff concerned, or the Headteacher. All staff will make every effort to resolve your problem promptly at this informal stage.

The extent to which this was both attempted and followed may be taken into consideration when assessing the reasonableness of a complaint during the formal stages of the procedure.

The formal stages of the procedure should be followed when attempts to resolve concerns informally have proved unsuccessful, and in cases where individuals wish to raise their concern formally.

Complaints about the Headteacher or the Governors

Where a complaint is about the Headteacher, the complainant should notify the clerk to the governors (see contact details at the end of the document). The stage one process (see the formal stages below) will then commence, but with the Chair of Governors as the individual responsible for the investigation, rather than the Headteacher.

Where a complaint concerns a Governor the complainant should contact the Clerk to the Governing Board. The Clerk will then determine the most appropriate course of action, seeking advice as appropriate. This will depend upon the nature of the complaint.

The timescale for making a complaint

Notification of a complaint should be given as soon as possible after the issue that led to the complaint has occurred and after informal attempts to seek resolution have proved unsuccessful. Complaints that are submitted three months after the issue that led to the complaint occurred will not be considered under this procedure unless there are exceptional circumstances. These may include (but are not limited to) subsequent information about the complaint coming to light and a valid explanation of why it was not possible to give notification of the complaint sooner. In such cases the Headteacher/Chair of the Governing Board/Clerk to the Governing Board (as appropriate) will review the circumstances, seek advice and determine whether the complaint should be considered under the formal procedure.

Maintaining records

A confidential written record of all complaints that are made in accordance with this procedure will be kept by the school. The written record will include whether the complaint has been resolved following a formal procedure and whether it proceeded to a panel review meeting. It will also refer to any action taken by the school as a result of the complaint regardless of whether it has been upheld.

Maintaining confidentiality

Informal concerns and complaints will be dealt with confidentially at all stages and at the conclusion of the procedure. Confidentiality should be maintained all times by everyone involved. **The Governing Board of St Chad's C of E (VC) First School requests that complaints are not discussed publicly, including via social media, including What'sApp.**

Actions taken in relation to school staff that arise as a result of the complaint will remain confidential to the school and the member of staff concerned.

Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will be kept securely and in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

Safeguarding

Wherever a concern indicates that a child's wellbeing or safety is at risk, the school is duty bound to report this immediately to the Local Authority. Any action taken will be in

accordance with the school's safeguarding policy which is available on the school website, or please ask the school office for a hard copy.

The formal stages of the complaints procedure

The majority of concerns can be dealt with without resorting to the formal stages of the procedure. If you need to raise a concern then please do so with the relevant member of staff who will be happy to talk to you and seek to resolve it.

There are **two** formal stages of the complaints procedure.

Stage 1 - Formal Investigation by Headteacher

1. A request for a formal investigation of a complaint by the Headteacher (or Chair of the Governing Board as appropriate) should be made in writing C/O the school, or by completing the formal complaints form that is included as Appendix 1 of this procedure. Please mark the envelope as Private. If your complaint is not about the Headteacher, please do not copy in the Chair of Governors at this stage.

2. The Headteacher (or Chair of the Governing Board as appropriate) will acknowledge the request in writing no later than 10 working days (excluding those that fall in the school holidays) of receiving it. The written acknowledgment will, as far as possible, explain how the complaint will be investigated and the timescale for completing the investigation.

3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.

4. The Headteacher will consider all relevant evidence. This may include, but is not limited to:

- obtaining statements from the complainant and those involved with the complaint
- meeting with the complainant and those involved in the complaint
- reviewing correspondence and other document relating to the complaint

5. After considering the available evidence, the Headteacher can decide to:

- uphold the complaint and direct that certain action be taken to resolve it
- uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) direct for certain action to be taken, or
- dismiss the complaint entirely

6. The Headteacher will inform the complainant of their decision in writing, the grounds on which it was made and any actions taken as a result of the complaint. This will be within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt of the complaint (see 2 above). The written notification shall also advise the complainant of their right to escalate the complaint to stage 2 of the formal complaints procedure if they are not satisfied with the outcome at stage 1, including the contact details of the clerk to the Governing Board.

Stage 2 – Review by a panel of the Governing Board

The complainant is entitled to request a review of the decision taken at Stage 1 and the actions taken. The review is carried out by a panel of the Governing Board at a meeting convened by the Clerk to the Governing Board.

Requests for a review of the decision taken at Stage 1 should be made in writing to the Clerk (see contact details below) no later than 4 weeks after written notification of the decision taken has been received. The request should include a brief summary of the complaint, why the complainant is dissatisfied with the outcome of Stage 1 and the outcome they are seeking.

The Clerk will fulfil the role of organising the time and date of the review meeting, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting. Minutes of the review meeting will be taken by the Clerk and provided with the written notification of the decision taken at stage 2 (see 9 below).

The following steps are taken at stage 2:

- a. The Clerk will acknowledge the written request for the complaint to be reviewed no later than ten working days (not including the school holidays) after receiving it.
- b. The clerk will convene a panel of **three school governors** to review the complaint. All three panel members will have no prior knowledge of the content of the complaint.
- c. The review meeting will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the written acknowledgement from the clerk (see 1 above).
- d. The panel **may** decide to invite the following to attend the review meeting:
 - the complainant

- the Headteacher (or Chair of the Governing Board as appropriate) who investigated the complaint and made the decision at stage 1
- relevant persons involved the complaint
- persons whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at Stage 2

a. Where the complainant, Headteacher and/or relevant person involved in the complaint have been invited to attend the review meeting, they are entitled to be accompanied by a family member/friend/representative as appropriate. However, legal representatives are not permitted to attend the review meeting.

b. Where the relevant persons involved in the complaint include pupils at the school, and their attendance at the review meeting has been requested by the panel, parental permission must be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

c. Where the complaint is about a Governor or the Governing Board the complainant may request that the review meeting is held by an independent panel. This is at the discretion of Governing Board who will notify the Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.

d. After considering the complaint afresh and reviewing the available evidence, the panel reviewing the complaint can decide to:

- uphold the complaint and direct that certain action be taken to resolve it;
- uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken, or
- dismiss the complaint entirely.

Irrespective of the decision taken, the panel may also recommend steps that the complainant and the school should take to move forward from the presenting issues in the best interests of all concerned. The panel may also recommend steps to be taken that reduce the likelihood of a similar complaint being made in the future.

e. The complainant, the Headteacher (or Chair of the Governing Board as appropriate) who investigated the complaint and made the decision at stage 1, and, where relevant, the person complained about will be informed in writing of the outcome of the review meeting no later than 10 working days (excluding those which fall in the school holidays) after the review meeting has taken place.

This is the **final stage** at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to escalate the complaint further they should refer to the following:

If the complainant feels that the Governing Board acted 'unreasonably' in the handling of the complaint, they can write to the Schools Complaints Unit at the Department for Education after the complaints procedure has been exhausted. Please note that 'unreasonable' is used in a legal sense and means acting in a way in which no reasonable school or authority would act in the same circumstances.

If the complaint is about the Governing Body or; if you have followed our complaints procedure and you still remain dissatisfied and feel that the Federation has not followed the appropriate procedure, any relevant policies, or has failed to discharge a statutory duty, you may wish to refer your complaint to the School's Complaints Unit (SCU) within the Department for Education at the address below:-

The Schools Complaints Unit
Department for Education
2nd Floor Piccadilly Gate
Manchester
M1 2WD

Please note that the SCU will not re-investigate the substance of the complaint as this remains the responsibility of the School, but if legislative or policy breaches are found, SCU will report them to the School and, if necessary require the School to take remedial action.

<https://www.gov.uk/complain-about-school>

Timescale for completing the formal stages of the procedure

St Chad's C of E (VC) First School will endeavour to complete the formal stages of its complaints procedure in a timely manner and within the timescale for each stage that is referred to above. However, if it becomes clear that for any reason St Chad's C of E (VC) First School is unable to meet the timescale for completing a stage of the procedure, the complainant will be advised of this immediately, along with the reason for the delay and the revised timescale.

Governing Body Complaints Committee (the Panel) - Procedure (See Appendix 2)

The Panel will want to ensure that the nature of the complaint is understood and, where possible, will seek to establish from you what actions you feel might resolve the problem. In helping to reach a conclusion, the Panel will seek to identify possible sources of information and advice to help collate the necessary evidence. You will be given the opportunity to attend the complaints meeting and will have the right to bring a friend/family member or other supporter. In normal circumstances the Headteacher may also attend the meeting, but will not take any part in the decision-making process. A typical complaints meeting may adopt the following structure:

- The meeting will be as informal as possible.
- Witnesses may be required to attend but only for the part of the meeting in which they give their evidence.
- After introductions, you will be invited to explain your complaint, and you will be followed by your witnesses (if any).
- The Headteacher / Chair of Governors may ask questions of both you and your witnesses after each has spoken.

- The Headteacher / Chair of Governors will then be invited to explain St Chad's C of E First School's actions and will be followed by school witnesses.
- You may ask questions of both the Headteacher / Chair of Governors and the witnesses after each has spoken.
- The Panel may ask questions at any point.
- You will then be invited to sum up your complaint.

The Headteacher / Chair of Governors will be invited to sum up the school's actions and response to the complaint.

- The panel chair will explain that both parties will hear from the Panel in writing within a set time scale.
- Both parties leave together while the Panel remains to decide on the issues and reach a conclusion. The above procedures for the complaints meeting may vary with the approval of all parties, for example you may wish to meet the Panel without the Headteacher being present. Where this is the case you should be aware that it will still be necessary for the Panel to meet with the Headteacher as part of the process.

Outcomes of Investigations:

Whether the complaint has been investigated by the Headteacher/Chair of Governors or a complaints committee, a written response will be sent to you outlining the outcome of the investigation, detailing how the conclusion has been reached, and enclose a copy of the minutes. The letter will also tell you where to next take the complaint, if you are not satisfied with the response provided. The Complaints Committee may reach the following conclusions:

- 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

The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between you and the school. Nevertheless, it is acknowledged that sometimes you may not be satisfied with the outcome if matters are not found in your favour.

Serial, persistent and unreasonable complaints

For the purpose of this procedure a complaint may be viewed as serial and/or persistent if it relates to the same issue that was the subject of a previous complaint (made by the same complainant) which has already been through a formal complaints procedure in which the complainant has been notified of the outcome. In such cases it is likely that the complainant will be informed that the matter is now closed and that St Chad's C of E (VC) First School will provide no further response.

For the purpose of this procedure a complaint may be viewed as unreasonable if it contains threatening, abusive or offensive language and conveys unrealistic outcomes beyond all reason. In such cases the Headteacher/Chair of the Governing Board/Clerk to the Governing Board (as appropriate) will consult with relevant parties and may decide that the complaint is not considered under this procedure. The complainant will be notified in writing that this is the case and that St Chad's C of E (VC) First School will provide no further response.

Queries regarding any aspect of the complaints procedure should be directed to the clerk to the Governing Board at the following address:

Clerk to the Governing Board

St Chad's C of E (VC) First School

Westbeech Road

Pattingham, Wolverhampton

Staffordshire, WV6 7AQ

01902 700372

Appendix 1
St Chad's C of E (VC) First School

Formal Complaints Form

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Have you attached details of the complaint?	
Action taken so far (including staff member who has dealt with it so far) or solutions offered:	
The reason that this was not a satisfactory resolution for you	

What action would you like to be taken to resolve the problem?

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Appendix 2

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 (Clerk to Governors/Office Manager)

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, Headteacher/Chair of Governors to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding: sharing third party information; and 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, sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
- The 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;
- 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 someone else appointed by the Governing Board)

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/complaints co-ordinator.

Panel Member

Panelists 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.