



## COMPLAINTS POLICY

Date Policy Adopted: January 2019

	Date of Next Review by
Headteacher/SLT	January 2020
Approval	Finance and General Personnel Committee

## **Introduction**

From time to time parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of Broseley Primary School (hereinafter called “the School”), the conduct of the Head teacher, and individual member of staff, the Local Governing Body or an individual Governor.

The School will always give serious consideration to concerns and complaints that are brought to its attention. However, anonymous complaints will not normally be considered. In considering concerns or complaints the School will ensure that they are dealt with effectively and with fairness to all parties.

In dealing with your complaint:

- We will deal with your complaint honestly, politely and in confidence;
- It will be looked into thoroughly, fairly and as quickly as possible;
- We will keep you informed of what we are doing;
- We will give you a full, comprehensive response to your complaint and advise what action, if any, the School has taken to prevent the situation from happening again

The School understands that complaints sometimes arise due to misunderstandings and that complaints involving children are often emotive, however the School believes that complaints can only be resolved with mutual respect.

In making a complaint you will:

- Treat staff with respect, behave reasonably and without aggression
- Follow the School’s Complaints Policy
- Observe confidentiality
- Work with the School to resolve the complaint as quickly as possible

## **What is a concern or complaint?**

A concern or complaint is defined as an expression of dissatisfaction about the conduct/operation of the School, the conduct of, actions or lack of actions by a member of staff/the Local Governing Body/an individual Governor, unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.

Concerns or complaints relating to any of the following are not covered by this policy as separate procedures apply:

- Child Protection
- Collective Worship
- Pupil Exclusions
- School Admissions
- Services provided by other organisations on the School site or through the School
- Sex Education
- Staff Grievance
- Special Educational Needs assessment and statementing procedure
- Whistle blowing by an employee

Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures.

### **Stage 1: Complaint Heard by a 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, staff are made aware of the procedures and know what to do when they receive a complaint.

If you have a complaint about anything we do you can tell us by telephone, in person or in writing. Most complaints will be sorted out quickly either by putting things right or by explaining the School's actions to you. Try to go to the member of staff involved who will either deal with your issue or pass you onto someone else who is more able to help.

At Broseley Primary School we respect the views of an individual who indicates that he/she would have difficulty discussing a concern with a particular member of staff. In these cases the Head teacher will refer the individual to another staff member.

Similarly, if the member of staff feels too compromised to deal with a concern, the Head teacher may consider referring the individual to another staff member. This 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 issue concerns the Head teacher, the Deputy Head may refer the individual to the Chair of Governors.

If the first approach is made to a Governor at Broseley Primary School, the Governor is expected to refer the individual to the appropriate person and advise on the procedure. No Governor is expected to act unilaterally on an individual concern outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

### **Stage 2: Complaint Heard by the Head teacher**

If you are dissatisfied with how we have responded to your complaint at stage one you may wish to pursue your complaint further. The table below sets out who you should send your complaint to:

<b>Nature of Complaint</b>	<b>Contact Person</b>
The actions of the Head teacher	Chair of Governors via the School Office
Something that has happened or failed to happen in School	Head teacher
The actions of a Governor	Chair of Governors via the School Office
The Chair of Governors	Clerk to the Local Governing Body via the School Office
The actions of the Local Governing Body	Clerk to the Local Governing Body via the School Office
The Clerk to the Local Governing Body	Head teacher

The School requests that all complaints be made to the appropriate contact person within **10 working days** of receiving the School's initial response to the concern you raised.

### **Process for Responding to Stage 2 Complaints**

The Head teacher or appropriate contact person is expected to handle all complaints seriously.

Upon receipt of a complaint the Head teacher/appropriate contact person will seek to resolve the matter and will:

- Acknowledge receipt of the complaint
- Make enquiries to establish the facts. The Head teacher or appropriate contact person may delegate the task of collating information regarding the complaint to another member of School staff.
- If necessary, the complainant will be invited to meet with the Head teacher or appropriate contact person to discuss their complaint. The complainant is invited to bring a friend or relative to any meetings.
- Seek advice from independent parties where appropriate
- Communicate the outcome of the School's enquiries to the complainant and resolve the complaint
- Record the complaint and the outcome.

Be aware that if the complaint concerns a member of School staff then that individual will not be present during any meetings that are held. However another member of School staff may be present as an independent observer.

Where the complaint has not been resolved to the satisfaction of the complainant, he/she may wish to submit a complaint to the Chair of Governors – see below. Complaints to the Chair of Governors must be made within 10 working days of the complainant receiving the School's response to their initial complaint.

### **Stage 3: Complaint Heard by the Local Governing Body Complaint's Appeal Panel**

The complainant is required to fully complete a Complaint Form – see Appendix A – and submit this to the Chair of Governors via the School Office. The Complaints Form can also be obtained from the School Office.

On receipt of a formal complaint, the Chair or nominated Governor will:

- Acknowledge receipt of the formal complaint
- Make enquiries to establish the facts. The Chair of Governors or nominated Governor may delegate the task of collating information regarding the complaint to the Clerk to the Local Governing Body or a senior member of School Office staff.
- Seek advice from independent parties where appropriate

The Governors' Complaints Appeal Panel is the last School-based stage of the complaints process. It is independent and is not convened to merely rubber-stamp previous decisions made. Its role is to investigate the complaint in a way that it feels will best get the information required to make a decision. It may do this through convening a 'hearing,' of all parties concerned or it may choose to interview parties separately as in an investigation.

Please be aware that formal complaints will not be heard by the entire Local Governing Body at any stage as this could compromise the impartiality of any separate panel set up for a disciplinary hearing against a member of staff following a serious complaint.

If there are insufficient Governors available that have no previous involvement in the complaint then the Chair of Governors may nominate appropriate independent members to the panel (e.g. governors from other local schools or academies.)

If the complainant is dissatisfied with the final decision of the Governors' Complaints Appeal Panel he/she may write to Shropshire Local Authority within 10 working days of the receipt of the governor panel outcome explaining what they feel was wrong with the procedure and requesting that it reviews the procedure followed by the school in hearing the complaint. The school will not judge the complaint or outcome but only the procedure followed. The school will respond to all parties within 10 working days to indicate its decision. If the school believes procedure was not properly followed it will advise a course of action which may include that the governor panel review part of the complaint or that a new panel is set up to review the complaint. Otherwise, the school will uphold the procedure followed as reasonable and fair.

The Clerk to the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the decision of the complaints Appeals Committee and for the matter to be reported to the Governing Body. This stage would normally be expected to take no more than 10 school days.

In cases where the matter has been referred back for further consideration the Complaints Appeals Committee will be reconvened.

### **Further Stages**

The complaints procedure does not include a further appeal to the Local Authority and in the case of Church Schools, the Diocesan/Church Authority, but complainants who remain unsatisfied with the outcome may refer the complaint to the Secretary of State for Education. Parents may refer certain complaints to Ofsted / Her Majesty's Chief Inspector of Schools.

### **Withdrawal of a complaint**

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

### **Complaints about a governor, the Chair of Governors or the Governing Body**

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant. In dealing with this matter the Chair should seek advice from the Local Authority's Governor Services Team or Diocesan/Church Authority Officer.

Any appeal against the Chair's response would be dealt with by the Complaints Appeals Committee.

Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be considered by the Complaints Appeals Committee of the Governing Body. Clerks to Governors should seek advice from the Local Authority's Governors Services or their Diocesan/Church Authority Officer. Governor Services or the Diocesan/ Church Authority may be able to assist with any investigation.

### **The role of the Local Authority (LA ) or Diocesan/Church Authority**

The Local Authority or, in the case of church schools, the Diocesan Church Authority's role is prescribed by legislation. There is no further right of appeal to the Local Authority, and in the case of the Church Schools Diocesan/Church Authority.

In responding to complaints about schools the LA will explain to the complainant:

- That schools are self-managing and are responsible for administering procedures that deal with complaints made against them
- The appropriate procedures for their complaint and refer them to the Headteacher, Chair of Governors or Clerk as appropriate.
- Source of potential assistance, if appropriate

### **Next Stages**

Anyone can complain to the Secretary of State for Education if he or she believes the governing body is acting "unreasonably" or is failing to carry out its statutory duties. However, intervention can only occur if the governing body or the LA has failed to carry out a legal duty or has acted "unreasonably" in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State for Education could instruct either party to do to put matters right.

The Education and Inspections Act 2006 allows a parent who remains unsatisfied with the outcome of certain complaints to refer the matter to Ofsted.

### **Complaints Record**

The school will maintain a written record of all formal complaints, how they were dealt with and the outcome in a complaints register.

### **Serious allegations or complaints**

If the allegations refer to criminal activity which may require the involvement of the Police, the Head teacher should inform the Chair of Governors and seek the advice of the County Council.

If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Head teacher should inform the Chair of Governors and seek the advice for the Senior HR Officer and or Senior Schools Finance Officer so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities. The scheme for Financing Schools requires the appropriate local authority finance office to be notified immediately of all such irregularities.

If the allegations relate to the abuse of children the Head teacher should seek the advice of the LA Designated Safeguarding Officer, Senior HR Officer and other agencies such as Children's Social Care. Serious allegations of this nature must be referred un Child Protection Procedures to Children's Social Care. Reference should also be made to the separate procedure "Staff Facing Allegations of Physical/Sexual Abuse."

In all the above, consideration needs to be given to the possible suspension from duty, on full pay, of any member of staff concerned in accordance with e Schools Disciplinary and Dismissal Procedure. Investigations at school level and the stages set out in this procedure are unlikely to proceed where external agencies are involved. Subsequently. An internal school investigation and other procedures (eg Disciplinary) may be involved.

### **Vexatious Complaints**

The school will, however, resist abuse of the complains procedure and may reserve the right not to investigate complains considered to be vexatious of malicious or where the head teacher if the chair of governors is satisfied with the action that the school has already taken of proposes to take to resolve the complaint

Appendix B sets out the authority, roles and responsibilities and the decision notification process of the Governors' Complaints Appeal Panel.

Appendix C is a checklist for Governors forming a Governors' Complaints Appeal Panel.

**APPENDIX A - COMPLAINT FORM**

**Please complete and return to the Chair of Governors via the School Office.**

<p><b>Your name:</b></p> <p><b>Pupil's name:</b></p> <p><b>Your relationship to the pupil:</b></p> <p><b>Address:</b></p> <p><b>Postcode:</b></p> <p><b>Day time telephone number: Evening</b></p> <p><b>Please give full, comprehensive details of your complaint.</b></p> <p><b>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</b></p> <hr/> <p><b>What outcome are you seeking?</b></p>
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**Are you attaching any paperwork? If so, please give details.**

**Signature**

**: Date:**

**Official use**

**Date acknowledgement**

**sent: By who:**

**Complaint referred**

**to: Date:**

## APPENDIX B – THE GOVERNING BODY COMPLAINTS APPEAL PANEL

### 1. Authority

The Local Governing Body Complaints Appeal Panel (hereinafter referred to as “the Panel”) will consist of three Governors with delegated responsibility to hear complaints. The panel’s terms of reference and remit are:

- to decide how it will investigate the complaint;
- meeting with and obtaining information from parties involved in the complaint;
- to dismiss the complaint in whole or in part;
- to uphold the complaint in whole or in part;
- to decide on the appropriate action to be taken to resolve the complaint;
- to recommend changes to the School’s systems or procedures to ensure that similar complaints do not recur

Any Governor sitting on the Panel must be aware of the following:

a. It is important that the appeal 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 complaint should not be discussed by the Panel before the hearing and any prior information relating to the complaint should be considered by the Panel individually. 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.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favor. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. The Governors at Broseley Primary School 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 Chair of the Panel will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

d. Extra care needs to be taken if a child is involved in establishing the facts of a complaint. 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.

e. The Governors sitting on the panel need to be aware of the complaints procedure.

## **2. Roles and Responsibilities**

### **The Chair of the Local Governing Body or Nominated Governor**

The nominated governor role:

- check that the formal complaints procedure has been followed;
  - if a meeting is appropriate, notify the clerk to arrange the panel;
- ensure that arrangements for the complaint to be heard / investigated are communicated to all parties within 10 working days of receiving the complaint

### **The Role of the Clerk**

Broseley Primary School requires that any Panel or group of governors considering complaints be clerked. The Clerk would be the day to day 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 10 working days prior to the hearing and send it to the parties 5 working days in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

### **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.

## **APPENDIX C – CHECKLIST FOR A COMPLAINTS APPEAL PANEL HEARING**

When conducting a hearing, a Local Governing Body Complaints Appeal 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 Panel and/or Head teacher may question both the complainant and their witnesses after each has spoken.
- The Head teacher is present at any hearing and is invited to explain the School's actions. The Head teacher will be followed by any other member of School staff acting as witnesses in relation to any complaint.
- The complainant may question both the Head teacher and their witnesses after each has spoken.
- The Panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head teacher is then invited to sum up the school's actions and response to the complaint.
- The Head teacher and complainant leave the hearing together while the panel considers the evidence presented and decides on the issues.
- The Chair explains that both parties will hear from the Panel within a maximum of 10 school days from the day of the hearing.

## Unreasonable Complainants

Broseley Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Broseley Primary School defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions,

and insists they are fully answered, often immediately and to their own timescales;

- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email

