Much Birch C of E Primary School

Complaints Procedure Policy



'We will flourish and reach our God given potential'

I am the vine; you are the branches. If you remain in me and I in you, you will bear much fruit. **John 15:5**

All members of our whole school community are able to realise their God-given potential, enabling them to become equal, caring and active citizens whilst upholding true Christian values. We treat others, as we would like to be treated, with dignity and respect. Everyone is encouraged to flourish with hope and high aspirations

Review date:	**September 2028**
Head teacher:	**Mrs. B. Davies**
Chair of Governors:	**Reverend Mark Johnson**

1. Introduction

1.1.1. The policy of the school is to work in partnership with parents and the wider community. It is based on the belief that co-operation and a sense of joint purpose between staff, parents and the school will assist in ensuring open and positive relationships. From time to time, however, parents and members of the public may express a concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of the school, the conduct of the Head teacher, an individual member of staff, the Governing Body or an individual governor.

1.1.2. 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.

1.1.3. Where possible complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out below will be followed.

1.2. Purpose

1.2.1. To establish a procedure for dealing with concerns and complaints relating to the school, as required by section 29 (1a) of the Education Act 2002.

1.3. What constitutes a concern or complaint?

1.3.1. 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, Governing Body or an individual governor;
- unacceptable delay in dealing with a matter; or
- the unreasonable treatment of a pupil or other person.

1.4. Scope

1.4.1. Concerns or complaints relating to any of the following are not covered by these procedures as separate procedures apply.

- Child protection
- Freedom of Information Access
- Functions of the council
- Pupil exclusions
- School admissions
- Services provided by other organisations on the school site
- Special educational needs assessment and statementing procedure
- Whistleblowing by an employee
- Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters

1.5. General principles

- An anonymous concern or complaint will **not** be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, concerns or complaints should be brought to the school as soon as possible. Any matter brought to the attention of the school more than three months after the event will not be considered.

• Investigation of any complaint or review request will **begin** within five days of receipt, except in exceptional circumstances, the investigation will be completed as soon as reasonably practicable.

1.6. Who to complain to

1.6.1. If the complaint is about:

- something that has happened or failed to happen in school, **contact the Head teacher;**
- the actions of the Head teacher, **contact the Chair of Governors** via the school;
- the actions of a governor, **contact the Chair of Governors** via the school;
- the Chair of Governors, **contact the Clerk to Governors** via the school; or
- the actions of the Governing Body, **contact the Clerk to Governors** via the school.

1.6.2. The school and Governing Body would in most cases hope to resolve concerns and complaints at the informal stage, but the procedures allow for formal consideration of a complaint and an appeal stage if matters cannot be resolved.

1.6.3. The school is committed to dealing with complaints as speedily as possible and would plan to complete each stage **within twenty school days**. From time to time, it may not be possible to complete the process in that timescale. Where that is not possible the complainant will be informed of any delays. Where complaints or concerns are made against an individual member of the school staff, that person will be informed of the complaint or concern at the earliest opportunity.

2. The Complaints Procedure

2.1. Complaints about the actions of a member of staff other than the Head teacher

Informal Stage

2.1.1. It is usual that the complainant will arrange to communicate directly with the member of staff concerned. This may be by letter, telephone, or in person, by making an appointment. Many concerns can be resolved at this stage, through clarification or the provision of information and it is anticipated that the vast majority of cases will be resolved at this stage.

2.1.2. If not, or in the in the case of more serious concerns or complaints, these should be referred directly to the Head teacher.

2.1.3. The Head teacher or Chair of Governors will then seek to resolve the matter informally and will:

- acknowledge the complaint or concern;

- attempt to resolve the matter informally;
- establish whether or not the complainant is satisfied;
- advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint/concern; and
- make notes of the complaint/concern and outcome.

2.1.4. A complainant wishing to proceed to the formal stage should notify the Head teacher or Chair of Governors **within twenty school days** of being notified of the outcome of the informal stage.

2.1.5. The informal stage will not be used if the allegations made refer to:

- Criminal activity which may require the involvement of the police
- Financial or accounting irregularities
- Abuse of children.

Formal Stage

2.1.6. Where an informal complaint has not been resolved to the satisfaction of the complainant or the complainant has indicated they wish to go straight to the formal stage the Head teacher (or Chair of Governors as appropriate) will:

- ensure the complainant is aware of the procedures;
- require a written record of the complaint (someone else may write this on behalf of the complainant);
- formally acknowledge the complaint;
- seek advice as appropriate;
- arrange for a full investigation of the complaint;
- prepare a report as a result of the investigation and consider actions to be taken;
- advise the complainant of the outcome; and
- make a record of the complaint and its outcome, this should be retained for school records for a period of six years.

2.1.7. Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised in writing. They should also be informed of their right to appeal to the Complaints Appeals Committee within twenty school days.

2.1.8. If the complaint concerns a member of staff (or governor) the Head teacher or Chair of Governors, as appropriate, will inform them and provide them with a copy of the complaint.

2.1.9. This stage would normally be expected to take no more than twenty school days. The Governing Body should be informed in general terms of all formal complaints.

2.2. Complaining about the actions of the Head teacher

Informal Stage

2.2.1. The complainant is usually expected to arrange to speak directly with the Head teacher, where they outline the detail of the complaint/concern. Many concerns can be resolved through an initial meeting, where the issues are discussed and clarified. If the matter is not resolved at this initial meeting, if both parties agree, a further meeting could take place, with a third party acting as mediator if necessary.

Formal Stage

2.2.2. If the complaint cannot be resolved through the informal stage, the complainant must put the complaint in writing and pass it to the Chair of Governors via the school, who will determine which of the arranged procedures to invoke (please see below). If it is determined that the complaint is general in nature, the Chair of Governors will arrange for its investigation.

2.2.3. The complainant should include detail which will help the investigation. In addition, the complainant may be invited to meet with the Chair of Governors to present evidence or to clarify the complaint. The Chair of Governors will collect evidence as is deemed necessary. This may well include the interviewing of witnesses and others who may provide relevant information.

2.2.4. The Head teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair of Governors. Once the Head teacher has had time to consider this, they will be invited to meet with the Chair of Governors in order to respond. A friend or representative may accompany the Head teacher at this meeting. When the investigation has been concluded, the complainant and the Head teacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action for reasons of confidentiality.

2.2.5. The complainant will be advised that consideration of their complaint is now complete. If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair of Governors is incorrect, or that the Chair of Governors has behaved unreasonably in considering the complaint, the complainant may request that the Governing Body review the handling of the complaint by the Chair of Governors. Any such request must be made in writing within two weeks of receiving notice of the outcome from the Chair of Governors, and include a statement specifying any perceived failures.

2.3. Complaints about a governor, the Chair of Governors or the Governing Body

2.3.1. 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.

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

2.3.3. 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. The Clerk to Governors should seek advice from the Local

Authority's Governor Services or their Diocesan/Church Authority Officer. Governor Services or the Diocesan/ Church Authority may be able to assist with any investigation.

2.4. Appeals Stage

2.4.1. The Complaints Appeals Committee of the Governing Body will consider complaints where the Head teacher (or Chair of Governors) has not been able to resolve the complaint to the satisfaction of the complainant and the complainant wishes to appeal.

2.4.2. Any appeal must be made in writing to the Clerk to the Governing Body (the school will advise the complainant of the contact details). The Committee will be convened by the Clerk to the Complaints Appeals Committee (Governing Body) and will:

- consider the written materials;
- consider the complaint and the Head teacher's (or Chair's) action;
- invite the Head teacher or Chair of Governors (as appropriate) and the complainant to the meeting; and
- seek advice and support as necessary.

2.4.3. At the end of their consideration the Committee will:

- determine whether to dismiss or uphold the appeal in whole or part, including, if appropriate, referring the matter back to the Head teacher/Chair of Governors for further consideration;
- where upheld, decide on appropriate action;
- advise the complainant and Head teacher of their decision; and
- advise the complainant of any further action they could take if they remain dissatisfied.

2.4.4. The Clerk to the Committee will arrange for the School's Complaints Register to be amended/updated 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.

2.4.5. This stage would normally be expected to take no more than twenty school days. In cases where the matter has been referred back for further consideration the Complaints Appeals Committee will be reconvened.

2.5. Withdrawal of a complaint

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

2.6. Next stages

2.6.1. The complainant can complain, if they wish, 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 Local Authority has failed to carry out a legal duty or has acted unreasonably in the performance of a duty.

2.6.2. Complainants considering this option can complete an online complaint form via the following link. https://www.gov.uk/complain-about-school

2.6.3. 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/carer who remains unsatisfied with the outcome of certain complaints to refer the matter to Ofsted.

2.7. Complaints record

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

2.8. Serious allegations or complaints

2.8.1. 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.

2.8.2. 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 of the Senior Human Resources Officer so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities.

2.8.3. 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 Local Authority Designated Officer (LADO), Senior Human Resources Officer and other agencies such as Children's Social Care.

2.8.4. Serious allegations of this nature must be referred under 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 the School's Disciplinary and Dismissal Procedure (please note that suspension is a neutral act and not a disciplinary action) . 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 (e.g. disciplinary) may be involved.

2.9. Vexatious complaints

2.9.1. The school will resist abuse of the complaints procedure and may reserve the right not to investigate complaints considered to be vexatious or malicious or where the Head teacher or Chair of Governors is satisfied with the action that the school has already taken or proposes to take to resolve the complaint

3. Investigation procedures

3.1. Carrying out an investigation into a formal complaint

3.1.1. The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.

3.1.2. Any procedure should include the provision that 'anonymous complaints will not be investigated'. There are, however, serious allegations that should be investigated if reported anonymously, such as child protection or bullying allegations, where school would either involve appropriate external agencies or else conduct its own internal review to test whether or not there is any corroborative evidence which may trigger an informal investigation.

3.1.3. Where the Head teacher or Chair of Governors receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

3.1.4. The member of staff against whom the complaint has been made should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out. In some cases it may be necessary to suspend the member of staff (as a neutral act) until investigations have been completed. This will be done upon the advice of the LADO. If the LADO does recommend this course of action then the Head teacher must follow their advice and attend any meetings as deemed necessary.

3.1.5. It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant.

3.1.6. Once the complaint has been confirmed the investigator should establish who they wish to interview and which documentation (if any) they will need to review. Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded. The complainant and member of staff should be given the opportunity to offer documentation and to identify potential witnesses and other sources of evidence.

3.1.7. The member of staff subject to the complaint should be advised that a friend or Trade Union representative may accompany them at interviews. Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances would younger pupils be interviewed.

3.1.8. Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

3.1.9. In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interviews. The investigator should allow the interviewee to answer in their own way. Responses should be listened to attentively. The temptation to cut answers short or ask 'leading' questions must be avoided. Any attempts by the interviewee to introduce information relating to other members of staff or to unrelated

issues must be resisted. The investigator should avoid reaching conclusions or passing judgment until the investigation has been completed. A summary of the process undertaken and the outcome should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised when reporting back to the complainant as certain details must not be revealed due to confidentiality.

3.1.10. Any recommendations should also be shared with all parties, unless there is good reason not to do so. Wherever possible, recommendations should be constructive and not punitive. The complainant should be advised that he/she may request a review of the process if they are not happy that the process has been undertaken properly.

3.1.11. The Governing Body should invite the LA to express a view on the retention of records of any complaints procedure. The most extreme stance is: 'All documentation regarding a complaint should be stored securely for a period of six years'.