

# Chapel Street Primary School



## Complaints Policy

Approved by: Governing Body  
Approval date: 25<sup>th</sup> May 2016  
Next review: Summer 2018  
Signed by:

Headteacher:

*Jonatha Power*

Chair of Governors:

*C. Scwell*

## Introduction

The majority of issues raised by parents/carers, pupils, staff or members of the community, are concerns rather than complaints. Chapel Street Primary School is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing to implement formal procedures. However, depending on the nature of the concern, the person with a concern may wish, or be asked, to follow the school's formal complaints procedure. For the school to be able to investigate a concern or complaint, it needs to be raised or made as soon as possible after the incident causing concern occurs and, in any event, within one year of the incident occurring. If a concern/complaint is older than a year it will not be investigated.

The primary aim of Chapel Street Primary School's policy is to resolve concerns/complaints as fairly and speedily as possible and in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the school.

NB: Any concern/complaint that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect will be immediately brought to the attention of the Headteacher or the Designated Senior Person for Safeguarding and may be referred, without further notice, to Manchester Social Services and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Headteacher or Governing Body. For further advice on this issue contact Manchester Children's Services.

Although the School's Management Support service has no formal responsibility for resolving complaints, it can provide advice and guidance on procedures. Mediation can also be offered at any time with the agreement of all concerned. For further advice contact Management Support on 0844 967 1112.

This Complaints Policy has four main stages.

In summary they are as follows: -

- Stage 1 – A concern is raised informally with a staff member.
- Stage 2 – Concern/complaint is heard by Headteacher.
- Stage 3 – Complaint is heard by Governing Body's Complaints Panel (and, if necessary, an Appeal Panel)
- Stage 4 – Complaint is taken to the Secretary of State for Education

#### Concerns/Complaints about Staff or the Headteacher

If the concern/complaint is about a member of staff, this should be raised with the Headteacher (see Appendix 1).

If the concern/complaint is wholly or mainly about the Headteacher, this should be put in writing to the Chair of the Governing Body and the Governing Body should consider this in accordance with Stage 3 of the procedure described below.

However, before Stage 3 is instigated, in the interests of confidentiality, the Chair of the Governing Body may seek confidential advice from Management Support and will invite the Headteacher to respond to the concern/complaint in writing within ten school days. The Chair will then send a copy of the Headteacher's response to the complainant and s/he will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is satisfied with the response, the matter will be considered resolved and, again, in the interests of confidentiality, will not be disclosed to any other members of the Governing Body.

If, however, the complainant is not satisfied with the response or the matter cannot be resolved in this way, Stage 3 should commence as described in paragraph 3.1 below.

If the concern/complaint is in regard to the conduct of a member of staff, the school's Staff Discipline and Grievance Procedure may replace Stage 3.

## Stage 1 - Informal Procedure

1.1 Concerns should be raised with members of staff either in person, by telephone or in writing. The table in Appendix 1 indicates the appropriate member of staff with whom to raise the concern. The person raising the concern should be given an opportunity for discussion of their concern informally with the appropriate member of staff and this will often generate an immediate response, which will resolve the concern. On some occasions the concern raised may require investigation, or discussion with others, and/or an appointment may need to be made to discuss the concerns further; in which case the person raising the concern will receive an informal but informed response within a day or two.

1.2 At any informal meeting arranged to discuss the person's concern,

- the person can be accompanied by a friend or relative;
- the member of staff dealing with the concern should make sure that the person who has raised the concern is clear as to what action (if any) or monitoring of the situation has been agreed;
- this stage should be completed speedily and recorded in writing with appropriate detail.

1.3 The majority of concerns will be dealt with satisfactorily in this way. However, where no satisfactory solution has been found, the person who raised the concern should be informed that s/he can consider making a formal complaint in writing to the Headteacher, which will take matters to Stage 2 on the complaints procedure. For the purposes of this procedure, the person who has raised the concern will be referred to as "the complainant".

1.4 In order to take the matter to Stage 2, the complainant should complete a Complaints Form (attached to this Policy) and send it to the school within 10 school working days of the conclusion of Stage 1.

## Stage 2 – Complaint to the Headteacher for Investigation

2.1 The Headteacher should acknowledge the complaint in writing. In some cases the Headteacher will have already been involved in looking at the matter; in others it will be his/her first involvement.

2.2 The Headteacher should consider providing an opportunity to meet with the complainant to supplement any information previously provided.

2.3 If the complaint is against a member of staff the Headteacher should talk to the staff member against whom the complaint has been made.

2.4 If necessary, the Headteacher should interview witnesses and take statements from those involved.

2.5 The Headteacher should keep reasonable written records of meetings, telephone conversations and other documentation.

2.6 Once all the relevant facts have been established, the Headteacher should produce a written response to the complainant. The Headteacher may wish to meet with the complainant to discuss/resolve the matter before confirming the outcome in writing.

2.7 The written response should include, where possible and appropriate, a full explanation of the decision and the reasons for it. Where possible and appropriate, it should include what action the school will take to resolve the complaint. NB: In some cases, the decisions and action taken may be highly confidential, especially if it involves a member of staff. In this case, it will not be possible for the school to give any information to the complainant regarding decisions and/or actions other than to reassure the complainant that the complaint is being dealt with in line with the school's procedures.

2.8 The complainant should also be advised that if s/he is not satisfied with the response and wishes to take the matter further, s/he can do so by writing to the Chair of the Governing Body within three weeks of receiving the outcome letter.

2.9 Stage 2 should be completed in ten school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases, the Headteacher will notify the complainant giving a revised target date.

2.10 Schools will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).

### Stage 3 – Consideration by the Governing Body

3.1 If the matter cannot be satisfactorily resolved at Stage 2, then the procedure set out in Stage 3 should be followed. If it is the complainant who is not satisfied, then s/he should send a copy of the Complaints Form to the Chair of the Governing Body who should then write to the complainant to acknowledge the complaint within two school days of receipt of the Complaints Form. A copy of the acknowledgement and the Complaints Form should be sent to the Headteacher.

3.2 Investigating the complaint – If the complaint has been investigated at Stage 1 and/or 2, the Headteacher must make the result of the investigation available to the Chair. However, where the complaint is against the Headteacher and the complaint is referred to Stage 3, the Chair of the Governing Body must decide whether and how the complaint should be investigated. Advice will be sought from Management Support and the time allowed to complete any further investigation must be borne in mind.

3.3 According to the nature of the complaint, the Headteacher, the Chair of the Governing Body or a nominated Governor will convene a Complaints Panel of three governors with a nominated Chair to consider the complaint and the Panel will request the services of a clerk from Management Support to:

- deal with the administration of the procedure;
- provide independent advice on procedure and evidence;
- ensure that the relevant facts are established;
- minute any meetings;
- draft the decision letter.

The Headteacher should not be a member of the Panel.

3.4 The Complaints Panel will consider the issues raised in the original complaint along with any written evidence and documentation and will usually set up a hearing to hear the evidence and any witnesses. The aim of the Complaints Panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. If the Panel decides to set up a hearing, it will follow the procedure set out in paragraphs 3.5 to 3.21 below.

3.5 The Clerk to the Complaints Panel will write to the complainant to explain how the hearing will be conducted. This letter should be copied to the Headteacher.

3.6 The Clerk to the Complaints Panel will confirm the date of the hearing with the members of the Panel.

3.7 The complainant and Headteacher should be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and Headteacher, within reason. The notification should inform the complainant and the Headteacher of their right to be accompanied to the meeting by a friend, relative or representative. It should also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the Panel.

3.8 The Headteacher should also be invited to prepare a written report for the Panel in response to the complaint.

3.9 All relevant correspondence and documentation regarding the complaint should be circulated to the Panel members, the complainant and the Headteacher in advance of the meeting.

3.10 If the Headteacher and/or the complainant wish to call appropriate witnesses, they should notify the Clerk to the Complaints Panel in advance of the meeting.

3.11 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence.

3.12 It is the responsibility of the Chair to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.

3.13 The meeting should allow for:-

- the complainant to explain his or her complaint and the Headteacher to explain the reasons for his or her decision;
- the Headteacher and his/her representative to question the complainant about the complaint and the complainant to question the Headteacher;
- Panel members to have an opportunity to question both the complainant and the Headteacher;
- any party to have the right to bring appropriate witnesses (subject to notifying the Clerk to the Complaints Panel in advance) and all parties having the right to question all the witnesses;
- final statement by the Headteacher and/or his/her representative and the complainant.

3.14 The Chair of the Panel should explain to the complainant and the Headteacher that the Panel will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Headteacher, their representatives and/or companions, and any witnesses will then leave the hearing.

3.15 The Panel will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision on the complaint. Where appropriate the Panel can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

3.16 At the end of the meeting the Panel will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

3.17 The Clerk will notify all parties of the Panel's decision in writing within three school working days after the date of the hearing. The letter will also set out the procedure for any appeal against the decision.

3.18 If the complainant wishes to appeal against the decision, s/he must do so in writing to the Clerk within three school working days. The Chair of the Panel will then convene a new Panel of three governors not previously acquainted with the issue (see paragraph 4.1) and a hearing will be arranged following the above procedure. The Appeal Panel will only consider appeals in relation to:-

- the procedure that was followed;
- facts that may be considered to be irrelevant, unsubstantiated or new;
- any actions due to be taken as a result of the decision of the Panel.

3.19 The Governors' Appeal Panel hearing is the last school-based stage of the complaints process. The complainant should be advised that if s/he is dissatisfied with the response of the Appeal Panel s/he has the right to take the matter further by complaining to the Secretary of State for Education.

3.20 As in Section 2.10 above, Governors will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

3.21 Stage 3 should be completed in 15 school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases, the Clerk to the Complaints Panel should write to the complainant giving a revised target date.

3.22 In exceptional circumstances, the Complaints Panel may decide, after taking advice from Management Support, not to proceed to consider the complaint on the grounds that the complaint has already been dealt with or is malicious.

#### Confidentiality and Impartiality

4.1 At any of the stages detailed in this Policy, it is important that all parties, including any governors, involved in the process respect the importance of maintaining confidentiality. All parties should only discuss matters arising from the concern/complaint with those directly involved in the process. This is necessary not only to protect the individuals concerned, but also to ensure that any investigations and decisions can be made in a fair and impartial way.

#### Concerns/Complaints about the Governing Body

5.1 As set out in Appendix 1, if the concern/complaint is about a governor of the school, this must be raised with the Chair of the Governing Body and will then be dealt with according to the Governing Body's Code of Conduct and Constitution. If the concern/complaint is about the Chair of Governors, this should be raised with Clerk to the Governing Body.

#### Review

This policy will be reviewed regularly by the Governing Body, in line with any guidance, and as determined by the School Policy Review Schedule.

Appendix 1:

AREA OF CONCERN	WHO TO CONTACT
<ul style="list-style-type: none"> <li>• School Organisation</li> <li>• School Processes/Procedures</li> <li>• School Communications</li> <li>• Behaviour/practice of any member of staff other than the Headteacher</li> <li>• Any issue which has already been raised with another member of staff which the parent/carer feels has not been dealt with effectively</li> <li>• Any issue which has put the parent on the verge of moving their child to another school</li> </ul>	Headteacher
<ul style="list-style-type: none"> <li>• Overall Curriculum (not class specific)</li> <li>• Safeguarding</li> <li>• Child Protection</li> <li>• Bullying</li> <li>• Health and Safety</li> </ul>	Deputy Headteacher
<ul style="list-style-type: none"> <li>• Attendance/ Punctuality</li> <li>• Special or Additional Needs</li> </ul>	Inclusion Manager
Clubs/Extra-Curricular Activities	Lead Teaching Assistant
Finance/Voluntary Donations	Business Manager
<ul style="list-style-type: none"> <li>• Holidays in Term Time</li> <li>• Admissions</li> <li>• Dinner Money</li> <li>• School Uniform</li> </ul>	Administrative Manager
<ul style="list-style-type: none"> <li>• Individual Class Organisation</li> <li>• Individual Class Activities/Curriculum/Homework</li> <li>• Family issues which may affect a child</li> <li>• Child Health issues</li> </ul>	Class Teacher
Race/Culture issues + activities	EMA Co-ordinator
<ul style="list-style-type: none"> <li>• Headteacher's behaviour/practice</li> <li>• Issues beyond the immediate school community</li> </ul>	Chair of Governors
School Governor's behaviour/practice	Chair of Governors
Chair of Governor's behaviour/practice	Clerk to Governing Body

## Chapel Street Primary School Complaint Form

If you have tried unsuccessfully to resolve your concern with your child's school and wish to take the matter further, please complete this form and send it to the Headteacher. {If your complaint is against the Headteacher you will need to send the form to the Chair of the Governing Body} *A copy of the school complaints procedure is attached to this form.*

Name \_\_\_\_\_

Address \_\_\_\_\_

Tel no: (Home) \_\_\_\_\_

(Daytime) \_\_\_\_\_

Name of Child \_\_\_\_\_

Date of Birth of Child \_\_\_\_\_

What is your complaint about and what would you like the Headteacher to do?  
*Please include full details (dates, full names of anyone involved, exact locations of incidents, etc.).*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ *(Continue on a separate sheet, if necessary).*

When did you discuss your concern/complaint with the appropriate member of staff?

\_\_\_\_\_

What was the result of the discussion?

\_\_\_\_\_

\_\_\_\_\_ *(Continue on a separate sheet, if necessary).*

Signed \_\_\_\_\_ Date \_\_\_\_\_