



Millfields First School

Complaints Policy

Updated December 2014

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Policy responding to complaints

The Governing Body adopted this Policy at a meeting held on in December 2014. It is based on a Model published by Worcestershire Children's Services.

- Complaints should be made within three months of the matter in question being known to the complainant.

This complaints procedure relates to all complaints, including complaints about:

the National Curriculum
collective worship
religious education
pupil admissions
pupil exclusion
special educational needs
child protection
sex education
employee grievances and disciplinary proceedings.

A. General Principles. This policy contains advice for resolving complaints;

Every attempt will be made to adhere to the time limits specified in this document and the procedures which follow, but these may in exceptional circumstances be exceeded. In such cases the School/ Governors will advise the reasons and set a new time-scale.

A complaint will usually be considered as 'out-of-time' if it is raised more than three months after the matter is known to the complainant.

Anonymous complaints will not be investigated, except in exceptional circumstances - such as child protection issues.

The aim of this policy is to resolve concerns at the earliest opportunity, and effect reconciliation if there has been friction. If the complaint needs to be formalised, the complainant will be asked to write down the substance of the complaint on a form, an example of which is found in Annex B. This form will also invite a view about what actions might be felt to resolve the problem.

B. Possible resolutions. Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about, (if justified) will where possible not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint.

C. Later Stages. Where concerns are not resolved on an early timescale, the procedure allows for formal consideration by the Headteacher/ Deputy, and later still, by the chair of *Governors* and if necessary a *Governors' Complaints Panel*.

D. Unresolved and Vexatious Complaints. If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the *GB* is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond. It is not the complainant who is vexatious; it is the correspondence.

E. School Complaints Stages in Detail

Millfields First School will monitor and record parents/carers compliments, concerns and complaints. This will endorse and ensure the continuation of our good practice.

It is acknowledged that, where concerns are raised this should be done with the pupils classteacher, before the concern is raised with a more senior person, for example, a Key Stage Co-ordinator or Deputy Head. The first stage, therefore, could if appropriate be dealt with informally by one of a number of possible people.

The stages of the complaint

Stage 1 (informal): complaint heard by staff member

It is in everyone's interest that complaints are resolved at the earliest possible stage. It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator (Mrs. Langfield - Deputy Headteacher) can refer the complainant to another staff member. Where the complaint concerns the headteacher, the complaints co-ordinator can refer the complainant to the *Chair of Governors*.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The 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 first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint 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 (formal): complaint heard by Headteacher or Deputy Headteacher (to be decided by the Headteacher)

The headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage 3 (formal): complaint heard by Chair of Governors If the complainant is not satisfied with the response of the Headteacher/ Deputy Head or the complaint is about the Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

Stage 4 (formal): complaint heard by Governing Bodies Complaints Appeal Panel

The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing (which could be made up of a broad spectrum of Governors and may include parent governors) is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage. If necessary, to avoid conflicts of interest the Governors may call upon Governors from other schools to assist with this stage.

The remit of The Complaints Appeal Panel

The panel can:

- 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 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 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.

The clerk would be the 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 and send it to the parties in advance of the hearing (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

Notification of the panel's decision

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. This may be the LA (Local Authority) or Diocesan Board.

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:

Department for Education

2nd Floor, Piccadilly Gate

Manchester

M1 2WD

What will the Department for Education do?

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools. If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

Annex A - The Act

"maintained nursery school" means a nursery school which is maintained by a local authority and is not a special school;

Section 29 of the Education Act 2002 requires that:

(1) The governing body of a maintained school in England shall -

(a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and

(b) publicise the procedures so established.

(2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

"maintained school" means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

Annex B – Complaint Form

Please complete and return to(complaints co-ordinator) who will acknowledge receipt and explain what action will be taken

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

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

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

Annex C – Summary for Dealing with Complaints

Stage 1 - Complaint heard by staff member

- Ensure complaints co-ordinator informed of outcome

If not resolved, then escalate to Stage 2 - Complaint heard by **Headteacher/ Deputy Head**

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to Stage 3 - Complaint heard by **Chair of Governors**

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 4 if dissatisfied

If not resolved, then escalate to Stage 4 - **Governor's complaints panel** meeting arranged

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Secretary of State for Education

Where possible, all responses made by the Complainant and the school should be made within 10 school days.

Further information

- **Useful resources and external organisations**
 - National Governors Association
- **Other relevant departmental advice and statutory guidance**
 - Section 29 of the Education Act 2002
 - Governors Handbook
- **Other departmental resources**
 - How to complain about a school - Advice for complainants