

Menston Primary School



Complaints Policy and Procedure for Parents (Statutory)

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This policy, procedure and form is based on guidance from the DFE and the Local Authority.

Introduction:

The majority of issues raised by parents, the community or pupils are concerns rather than complaints. A ‘concern’ may be defined as ‘*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*’. A complaint may be generally defined as ‘*an expression of dissatisfaction however made, about actions taken or a lack of action*’. If, at this stage you believe that your issue is a concern rather than a complaint there is a separate guidance leaflet covering this less formal procedure. Menston Primary School is committed to taking concerns seriously and improving the school in response to feedback. Our aim is to resolve concerns informally. If we are unable to do this you may wish or be asked to follow the school’s formal Complaints Procedure. For the school to be able to investigate a complaint, it needs to be made **within three months** of the incident occurring. If a complaint is older than one term it will not normally be investigated.

Menston Primary School will attempt to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the school. Some complaints are not in the scope of this procedure.

Complaints not in the scope of this procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<p>Exclusion of children from school</p>	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>

<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

The following details outline the stages that can be used to resolve complaints.

The School 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 – A Complaint is heard by head teacher.
- Stage 3 – A Referral is made to the Chair of Governors.
- Stage 4 – A Complaint is heard by Governing Body's Complaints Appeal Panel.

All meetings from Stage 2 will be recorded.

Stage 1 – Raising a concern with a member of staff

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with the class teacher. On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. The majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at Stage 1, please write to or call the school within 10 school working days and state what you would like the school to do. The school will then consider your concern as a complaint and move to Stage 2.

Stage 2 – Complaint heard by the Headteacher

If the matter has not been resolved at Stage 1, the Headteacher will arrange further investigation. Please write to the Headteacher of the school telling them why you are still not satisfied and what you would like the school to do. In some circumstances the complaint could be via a telephone call or in person. In which case notes may be taken to record what was discussed.

- The complaint will be logged, including the date it was received.
- The school will acknowledge receipt of the complaint within two working days of receiving it.
- Either you will receive a written response reporting on the actions being taken or a meeting will be convened to discuss the matter further. If possible this meeting will take place within 10 school working days of the receipt of the complaint. The aim will be to resolve the matter as speedily as possible.

Following the investigation, the Headteacher will normally give a written response within 10 school working days.

If you are dissatisfied with the result at Stage 2, you should write to the Chair of Governors at the school address within 10 school working days of getting the response marking the envelope 'Private & Confidential'. This will then be referred directly to the Chair of Governors.

Stage 3 – Referral to the Chair of Governors

The Chair of Governors will review the documentation and may speak to the persons involved. He/she will then mediate between the persons involved to attempt a resolution. The Chair of Governors will give a written response within 10 school working days. If the complainant believes the response from the Chair of Governors is not sufficient or appropriate an appeal can be made within 10 working days to a Governing Body Complaints Panel.

N.B. Complaints against the Headteacher

In cases where the matter concerns the conduct of the head teacher, a written complaint should be sent 'For the Attention of the Chair of Governors to the school and marked Private & Confidential. The Chair will refer the matter directly to a Governing Body Complaints Panel to be investigated. In cases where the matter concerns the conduct of a member of the Governing Body the member will be informed of the complaint. The above procedure will then be followed.

Stage 4 – Complaint heard by the Governing Body's Complaints Appeal Panel

If the matter has still not been resolved at Stage 3, then the Chair of Governors will pass the matter for consideration to a Governing Body Complaints Panel. The clerk or a nominated governor will convene a panel of usually 3 governors. If at all possible, the hearing will take place within 10 school working days of the receipt of the written request for a Stage 4 investigation.

The aim of the Appeal Panel Hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. All parties will be notified of the panel's decision in writing within 5 school working days after the date of the hearing. The letter will also contain what you need to do if you wish to take the matter further.

The Governors Appeal Panel Hearing is the last school-based stage of the complaints process.

If you are not satisfied with the outcome of Stage 4, 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)
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, School Complaints Unit (SCU) will examine if the school's 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.

Complaints Procedure

Stage 1 (informal): complaint heard by 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, if staff are made aware of the procedures, they will know what to do when they receive a complaint.

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 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 is to refer the complainant to the appropriate person and advise them about the procedure. Governors should 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:

The Headteacher 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 or the complaint is about the Headteacher, the complainant should write to the Chair of Governors to request the complaint is considered further.

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

The complainant should 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 Governing Body Complaints Appeal Panel.

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to endorse previous decisions.

Individual complaints would not be heard by the whole governing body 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, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose its own Chair.

The remit of the Complaints Appeal Panel

The Appeal 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.

There are several points which any governor sitting on a complaints appeal panel needs to remember:

- 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. 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.
 - 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.
 - An effective panel will 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 Panel Chair 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.
 - Extra care needs to be taken when the complainant is a child. 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.

Roles and responsibilities

The role of the clerk

The department strongly recommends that any panel or group of governors considering complaints is clerked. The clerk is the contact point for the complainant and is 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.

As best practice, 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.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

The role of the Chair of the Governing Body or the nominated governor

The nominated governor role:

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.

The role of 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 unnecessary 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 acts 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.

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 or Diocesan Board.

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

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M1 2WD

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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.

Checklist for a Complaints Panel Appeal Hearing

The 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 headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

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

- 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

Menston Primary School Complaints Form

Please complete and return to Belinda Smitheringale (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)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official Use
Date acknowledgement sent:

By whom:

Complaint referred to:

Date: