



Complaints Procedure and Guidelines

Worsley Bridge Primary School

February 2016

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Policy agreed by NEST Board Feb 16
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1. Introduction

PARTNERSHIP

We value the contributions made by parents, families and friends to the life of the school. Most concerns can be dealt with effectively by the Class teacher. Concerns can be raised with the Head teacher at any time in person, by telephone or in writing. We will endeavour at all times to keep you informed our actions. Effective communication is important for both parties when dealing with concerns.

If all attempts to sort the problem fails then you have a right to complain to the Local Committee members (Governors), so it is not only important to tell us when you are pleased with us. We would also like to hear from you if you have any concerns. We would rather hear directly from you, rather than through playground gossip. We hope that we have a good enough relationship to withstand minor problems and would deal with any concerns before they reach the formal stage.

The school has a code of practice for dealing with complaints if relationships break down.

Definition: *A complaint can be defined as a clear statement of dissatisfaction about any aspect of the school's work which has progressed beyond a question or general concern.*

Availability

A copy of this procedure is available to all parents on request and is also on the School's Website

Formal Complaints Procedure

Stages of the Procedure

It is in everyone's interest that complaints are resolved at the earliest possible stage. All staff know the Complaints Procedure and aware what to do should they receive a complaint. A complaint may be made in person, by telephone or in writing, but it is helpful in the first instance to put your views in writing. There is a standard form which is used in the later stages of the procedure and this is attached at Appendix 1. The School procedure makes clear the time limit within which a complaint may be made. Time also needs to be allowed for the Head Teacher to implement any changes following a complaint being upheld.

After informal discussions with the Class teacher and/ or Head Teacher. A complainant can move to the formal stages of the procedure. There are three formal stages in the procedure. A complaint may be reconsidered or withdrawn at any stage during the procedure.

2. Complaints Procedural Guidelines

The complaints procedure has three stages

Stage One	an informal stage, where your complaint is dealt with informally between you and members of staff
Stage Two	an investigation stage, where your complaint is investigated and considered by the Headteacher or the Chair of the Governing Body
Stage Three	a Governors Complaints Panel is convened to consider your original complaint and the way it has been dealt with by the school

Scope of the procedure

A complaint is defined as a clear statement of dissatisfaction about any specified aspect of the school's work. Complaints may be made by telephone, e-mail, in person or by letter.

This procedure deals with day-to-day complaints about the management and/or operation of the school and which fall outside the scope of the following procedures:

- Complaints which have an alternative statutory avenue of appeal or complaint (for example, admissions, exclusions, SEN assessments, Section 409 Curriculum Complaints and those covered by the Education (School Records) Regulations 1989).
- Serious complaints which must be dealt with by specific employment or other procedures (e.g. allegations of professional abuse, criminal offences or those that are potentially staff disciplinary issues).

If at any stage in the procedure it becomes apparent that your complaint falls outside this general complaints procedure, you will be informed.

Anyone may make a complaint: parents, guardians, grandparents, neighbours of the school or anyone with an interest in the work of the school. However, it is expected that it will be mainly parents or guardians who will make use of this procedure.

If you initially complain to a Local Committee member (Governor), they will refer you to the Headteacher and explain the school's procedure. Individual Local committee members (Governors) cannot deal with complaints in case they are needed to sit on a Governors' Complaints Panel at a later stage of the process.

Stage One: Informal stage

If you feel your concern has not been addressed through informal discussion with the class teacher /senior teacher, and you wish to have the matter formally investigated by an appropriate person from the school.

We aim to resolve most complaints at this stage in a speedy and effective way.

You can raise concerns and complaints with members of staff either in person, by telephone, by email or by letter. At this stage, it may be unclear whether you are making a complaint, seeking information or simply need to better understand a situation.

If the concern cannot be resolved immediately, you will be able to discuss the complaint with an appropriate member of staff (for example, the Headteacher, Deputy Headteacher or the Year Group Leader). If there is a complaint against the Headteacher, the discussion will be with the Chair of the Local Committee (Governing Body)

During any informal discussion with the member of staff:

- You may be accompanied by a friend or relative.
- The member of staff dealing with the concern should make sure that you are clear as to what action or monitoring (if any) of the situation has been agreed.
- A note will be kept recording the outcome. A copy of the note should be given to you.

If necessary, the designated member of staff will make further enquiries with the aim of resolving your complaint as soon as possible. You will be informed of the outcome of those enquiries and what action, if any, the school proposes to take

If the informal process has been exhausted and no satisfactory solution has been found, you will be asked by the member of staff dealing with the complaint whether you want the complaint to be investigated formally.

Stage Two: Formal Investigation

If you want the complaint to be investigated formally, you must put the complaint in writing to the Headteacher using the form attached in the Appendix. You should do this promptly and in any event not more than five school days after your informal meeting or, if later, when you are informed of the outcome of the informal stage.

The person investigating your complaint at Stage Two will be either the Headteacher or the Chair of the Local Committee, depending on who dealt with it at Stage One:

- if the complaint was dealt with by the Headteacher at Stage One, the Chair will investigate;
- if the complaint was dealt with by another staff member, the Headteacher will investigate.

The person investigating your complaint at Stage Two will:

- acknowledge your complaint within five school days of receipt;
- meet you to discuss the complaint;
- investigate the complaint; and
- send you a written response, normally within ten school days of receipt of your written complaint. If a considered response is not possible within this timescale, a letter will be sent explaining the reason for the delay and providing a revised date for the expected response.

The final written response will include full reasons for the conclusions reached and what action, if any, the school proposes to take to resolve the matter. The response will also explain the process for your complaint to be referred to the Local Committee' Complaints Panel if you are unsatisfied with the outcome of Stage Two

Stage Three: Review by the Local Committee' Complaints Panel

Complaints only rarely reach this level. However, when the need arises, the Local Committee' Complaints Panel (LCCP) will be convened to consider your complaint.

If you are dissatisfied with the outcome of Stage Two, you must write to the Clerk to the Local Committee requesting that the matter be reviewed by the Local Committee' Complaints Panel (Stage Three). You must do this within ten school days of receiving the written response to the Stage Two investigation. You should include your original complaint form. You will receive a written acknowledgement from the Clerk within five school days.

Before the LCCP hearing

For the hearing you may:

- submit any further documents in addition to the complaint form. These documents must be made available to the Clerk to the Local Committee within **five school days** of your receiving the acknowledgement letter
- call witnesses, subject to the approval of the Chair of the LCCP
- be accompanied by a friend or relative.

These rights will also be explained in the acknowledgement letter.

The Clerk to the Local Committee will send a copy of your complaint and the letter of acknowledgement to the Chair of the Local Committee and the Headteacher. Either the Headteacher or the Chair of the Local Committee must prepare a written report to the LCCP in response to the complaint within **five school days** of the notification from the Clerk. The Headteacher or Chair of the Local Committee (as the case may be) should include with their report any documents they wish to refer to at the hearing and details of any witnesses they wish to call.

The Clerk to the Local Committee will then convene a LCCP hearing having consulted with the Local Committee as to the composition of the LCCP (see 'Who will be on the LCCP?' below). The Clerk to the Local Committee will consult with the participants as to convenient times and endeavour to convene the hearing within **twenty school days** of your letter to the Clerk to the Local Committee.

At least **five school days** before the hearing, the Clerk to the Local Committee will send you, the Chair of the Local Committee, the Headteacher and each LCCP member:

- the date, time and venue for the hearing
- the names of all parties and witnesses (if any) to attend the hearing
- all relevant documents to be referred to at the hearing.

What can the Local Committee' Complaints Panel do?

The LCCP can;

- dismiss your complaint in whole or in part
- uphold your 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.

Who will be on the LCCP?

The Local Committee decides who will be on the LCCP, taking into account the following matters:

- The Local Committee' Complaints Panel (LCCP) should consist of two members of the Local Committee, and one independent panel member; one of whom should be appointed as Chair. If it is deemed by the Clerk to the Local Committee that there are not a sufficient number of Local Committee Members who are judged impartial to the case, additional independent panel members may take the place of local committee members.
- The LCCP will normally be made up of members of the Local Committee but they may select alternative members depending upon the nature of the complaint and the availability of members of the Local Committee or Governance within the Nexus Education Schools Trust Multi Academy Group of Schools .
- It is important that the appeal hearing is independent and impartial and that it is seen to be so. At least one member of the LCCP should be independent of the management and running of the academy. The panel cannot be made up solely of local committee members because they are not independent of the management and running of the academy. The academy should identify suitably independent individuals who can fulfil the role and responsibility of being the independent member. The academy is part of a Multi academy trust group of schools who would be able to provide independent members.
- No member of the LCCP should have had prior involvement with the complaint or the circumstances surrounding it. As the Chair of the Local Committee may be involved at an

earlier stage in the procedure (particularly where the complaint is about the Headteacher) it is preferable not to include them as a member of the LCCP.

- It is not considered appropriate for the Headteacher to be a member of the LCCP. The role of the Headteacher would be to attend the LCCP hearing to give evidence. They may invite those members of staff directly involved in the matters raised by you to attend (subject to the approval of the Chair of the LCCP).
- In deciding the make-up of the LCCP, the Governing Body will try and ensure that it comprises a cross-section of the categories of Governor and is sensitive to issues of gender, race, colour, disability, religion, nationality and ethnic or national origins.

What happens at the hearing?

The aim of the hearing, which should be held in private, will always be to resolve your complaint and achieve reconciliation between you and the school. However, it has to be recognised that you might not be satisfied with the outcome if the hearing does not find in your favour.

It may, however, be possible to establish the facts and make recommendations which will satisfy you that your complaint has been taken seriously and considered in the proper way.

The LCCP will acknowledge that you may feel nervous and inhibited in a formal setting. For example, parents often feel emotional when discussing an issue that affects their child. Although the hearing will follow the structured order below, the Chair of the LCCP will ensure that the proceedings are as welcoming as possible.

The LCCP hearing will be conducted as follows:

- After introductions, you will be invited to explain your complaint, followed by your witnesses' statements.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- The Headteacher may question both you and your witnesses after each has spoken.
- The Headteacher will then be invited to explain the school's actions and be followed by the School's witnesses.
- You may question both the Headteacher and the School's witnesses after each has spoken.
- Members of the LCCP may ask questions at any point.
- You will then be invited to sum up your complaint.
- The Headteacher is then invited to sum up the School's actions and response to the complaint.
- The Chair of the LCCP explains that both parties will hear from the LCCP within a set timescale.
- Both parties leave together while the LCCP decides on the issues.

- The introduction of new information or witnesses, previously not notified to all parties, would be reason to adjourn the meeting so that everyone has time to consider and respond to the new information.

The Role of the Clerk

The Complaints Appeal Panel should be clerked. The Clerk to the Local Committee will be your contact point for the complaint at Stage Three.

Their job is 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 all of the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the LCCP's decision.

The Role of the Chair of the LCCP

To ensure that:

- no member of the LCCP has a vested interest in the outcome of the proceeding or any involvement in an earlier stage of the procedure;
- the remit of the LCCP is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- you are put at ease, particularly if you are a parent or carer who is not used to speaking at such a hearing;
- the layout of the room and the setting is appropriate and not adversarial.
- the issues are addressed;
- key findings of fact are made;
- the hearing is conducted in an informal, although structured, manner with each party treating the other with respect and courtesy;
- 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 all parties should be given the opportunity to consider and comment on it;
- the LCCP is seen to be open minded and acting independently; and
- the meeting is properly minuted.

Notifying you of the LCCP's decision

A written decision will be sent to you, the Chair of the Local Committee and the Headteacher by the Chair of the LCCP within **ten school days** of the hearing. The letter will explain that the

decision of the Local Committee' Complaints Panel is final but that complaints can be taken to the Secretary of State for Education under the Education Act 1996, on the grounds that:

- a Local Committee is acting or proposing to act unreasonably; or
- the Local Committee has failed to discharge its duties under the Act.

Parents who are not satisfied with the handling of their complaint should contact the Education Funding Agency via the schools' complaints form, found at:

https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMSG=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

Record keeping

We keep records of all conversations and meetings with you to resolve complaints, as well as copies of relevant correspondence and notes. These are all stored securely and *separately from individual pupil records*. We may refer back to these documents if there are recurring complaints about the same or similar matters.

Monitoring and review

This policy will be reviewed on an annual basis with minor changes made as appropriate. A full review will be carried out every 3 years

3. Appendix

Worsley Bridge Primary School Complaints Procedure Complaint form (Stage two and/or three)

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Post Code:

Day time telephone number:

Evening telephone number:

Email:

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?)**

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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:

School's Actions, with dates

Final Outcomes

Date