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## SEA MILLS PRIMARY SCHOOL

Aspire • Believe • Succeed

### Complaints Procedure May 2023

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<b>Reviewed and approved by:</b>	Full Governors
<b>Date approved:</b>	17 <sup>th</sup> May 2023
<b>Date of next review:</b>	May 2024

<b>Updates :</b>

#### **Purpose:**

We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible. School governing bodies are required, under Section 29 of the Education Act 2002, to have in place a procedure for dealing with complaints. It is expected that all complaints will be referred to the school in the first instance. In situations where it has not been possible to settle a complaint through this process the Local Authority may be able to advise parents/carers/others and the school in order to help resolve difficulties, but will not be able to become involved if the steps set out below have not been followed. Complainants are encouraged to follow through each stage of the procedure, as appropriate, in order to resolve their concerns. If governors are approached regarding a complaint, they should be mindful not to act on an individual complaint outside the formal procedure or become involved or have discussions with other governors at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

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 to consider further action in the event that a serious complaint is substantiated.

#### **STEP 1: Informal**

Please start by telling the class teacher about your concern. This is usually the best and quickest way of resolving issues.

- It is recommended that you make an appointment to speak to the class teacher as soon as possible, as this will give both parties the opportunity to talk about the issue in an appropriate manner and without being interrupted.
- It is important to recognise that schools are busy organisations and it may not be possible to offer an appointment straight away.
- The purpose of this meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.
- It is good practice for the class teacher to make a brief written record of the concern raised and any actions agreed.

## **STEP 2: Informal: escalation**

If you feel dissatisfied with the outcome of discussions with the class teacher, please ask for an appointment to meet with the nominated people within the school. The nominated people are the Senior Leadership Team. The purpose of this meeting should be to establish the nature of the ongoing concern, what has been discussed with the class teacher so far and any actions arising from the initial meeting.

- It is in everyone's interest, particularly the child or children, for concerns to be sorted out quickly and smoothly. However, it may be that the nominated staff member will need to look into what has happened since the initial meeting before they can suggest how your concern might be resolved.
- If this is the case, it should be agreed how and within what timescale they will contact you to let you know the outcome of their enquiries and what actions they have taken/propose to take.
- The nominated member of staff may make a brief written record of the concern discussed and what has been agreed and may write to parents summarising this.
- It is hoped that most problems will have been resolved at this stage through the informal process.

## **STEP 3: Formal - complaint letter to the Headteacher**

If you feel that the issue you have raised has not been resolved through the informal process and you wish to pursue it further you may raise it through the formal procedure. To do this you must write a formal letter of complaint to the Headteacher (you may use the form attached as Appendix 1). Your letter should set out clearly the concern which has previously been discussed and why you feel that the issue is unresolved. It is also helpful if you can set out in your letter what resolution you are seeking.

- Moving to the formal complaints procedure is a serious step. In consideration of future home/school relationships, everyone concerned will need to concentrate on finding a resolution to the issue and negotiate an agreement as to how this can best be achieved.
- The Headteacher will consider the complaint and in doing so should:
  - establish what has happened so far, and who has been involved;
  - clarify the nature of the complaint and what remains unresolved; to meet or contact you if they need further information;
  - clarify what you feel would put things right if this has not been set out in your letter;
  - interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  - conduct any interview with an open mind and be prepared to persist in the questioning;
  - keep notes of any interview for the record.

- The Headteacher will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
  - an apology;
  - an explanation;
  - an admission that the situation could have been handled differently or better (N.B. this is not an admission of negligence);
  - an assurance that the event complained of will not recur;
  - an explanation of the steps that have been taken to ensure that it will not happen again;
  - an undertaking to review policies in light of the complaint. It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.
- The Headteacher will discuss the outcome of their consideration of your complaint with you and should send a detailed written response within 20 school days. Where this proves unrealistic, you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

#### **Concerns or complaints specifically about the Headteacher**

Where you are unhappy about the decision the Headteacher has made about your complaint, this does not become a complaint about the Headteacher. If you feel that the complaint has not been resolved, you should move to Step 4 of the procedure. If you have a concern or complaint that is specifically about the Headteacher and which has not been resolved at the informal stage, then you must write a formal letter of complaint to the Chair of Governors. The school will provide you with the Chair of Governors' name and you should write to him or her at the school address, marking the envelope 'urgent, private and confidential'.

- The Chair of Governors should acknowledge receipt of the letter within 5 school days
- For complaints specifically about the Headteacher, the Chair of Governors will arrange for the complaint to be investigated, either by him/herself or by an appropriate independent investigator, and for the process set out in Step 3 to be followed.

#### **Concerns or complaints specifically about the Chair of Governor or any individual governor**

A complaint that is specifically about the conduct of an individual governor, and which has not been resolved at the informal stage, should be made by writing to the Chair of Governors. A complaint about the conduct of the Chair of Governors, and which has not been resolved at the informal stage, should be made in writing to the Vice Chair of the Governors.

## **Limitations, time-limits and vexatious complaints**

### **Limitations within the policy:**

#### **Time limits:**

Complaints need to be considered and resolved as quickly and efficiently as possible. As such, complaints made under this procedure will ordinarily be rejected if they are not brought within 12 months, unless there are exceptional circumstances. (Exceptional circumstances will be determined by the Headteacher/Chair of Governors on a case by case basis, and advice may be sought from the Local Authority in this regard).

#### **Safeguarding referrals:**

Schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually local authority children's social care services, if they have a concern about the welfare of a child. It is not for the school to investigate or make a judgment about possible abuse or neglect but they must refer any concerns they may have. As such, any response to or investigation in relation to a complaint about a safeguarding referral made by school staff will be limited to considering whether the appropriate action was taken at the time the referral was made on the basis of the information available to the referrer at that time and in accordance with the safeguarding policy.

#### **Allegations of abuse:**

Allegations of abuse against a member of school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Governors immediately. In all cases the Local Authority Designated Officer.

#### **Vexatious complaints:**

The majority of complaints are resolved through a properly managed complaints procedure. However, there are occasions when:

- despite all stages of the procedure having been followed, the complainant remains dissatisfied. If a complainant tries to reopen the same issue the Chair of Governors may write informing them that all stages of the procedure have been exhausted and the matter is considered to be closed.
- complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances, the school may take action in accordance with Appendix 2 of this procedure (page 15).

**STEP 4: Complaint Heard by Governing Body's Complaints Appeal Panel.**

The Complainant needs to write to the Chair of Governors, c/o the Clerk to the Governing Body, giving details of the complaint. The Chair, or nominated Governor, will advise the Clerk to 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 to merely rubber stamp previous decisions. Individual complaints will 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. The Panel can be drawn from the nominated members and will consist of three Governors. The Panel will choose their own Chair. Guidance for the Appeal Panel can be found in Appendix 2.

**STEP 5: Complaints not resolved through the formal procedure**

If you believe that the school has not properly followed its complaints procedure or has not acted fairly or reasonably in responding to your complaint you may make a complaint in writing to the Secretary of State for Education. You may contact the Department for Education by writing to: The School Complaints Unit (SCU) Department for Education 2nd Floor, Piccadilly Gate Manchester M1 2WD or by telephoning: 0370 000 2288 Ttypetalk: 18001 0370 000 2288 Fax: 0161 600 1332 [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints) OFFICIAL This procedure is based upon DfE guidance School Complaints toolkit 2014, Ref: DFE- 00526-2014 9

## **APPENDIX 1**

### **COMPLAINT FORM- STEP 3, FORMAL COMPLAINT**

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Daytime 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:

## **Appendix 2: Guidance for the Governing Body's 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.

There are several points which any Governor sitting on a Complaints Appeal Panel needs to remember.

- a) 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, the Clerk needs 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.
- b) 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 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.
- c) 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.
- d) 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 this Complaints Procedure.

### **Roles and Responsibilities:**

#### **The Role of the Clerk:**

The Clerk will 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.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings.
- Notify all parties of the Panel's decision.

## The Role of the Chair of the Governing Body or the Nominated Governor

The Chair or nominated Governor's role is to:

- Check that the correct procedure has been followed.
- If a hearing is appropriate, notify the Clerk to convene 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 undue 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 acting 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 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 Clerk to the Complaints Appeal Panel should notify the Complainant of the Panel's decision, in writing, with the Panel's response; within 10 school days of the hearing. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.