**Westcliffe Federation**



**St. Andrew’s, Weston Lullingfields, Kinnerley**

**and West Felton CE Primary School**

**Complaints Policy**

Procedure/Policy

Since the 1st of September 2003, School Governing Bodies have been required under Section 29 of the Education Act 2002 (research shows that the Education Act 2002 is still the legal requirement) to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

This policy is intended to set out how the Federation will deal with general complaints. It does not cover those aspects of school life where the law sets specific complaints procedures e.g. admissions, exclusions, whistleblowing, complaints about services provided by other providers who may use school premises/facilities, complaints about the delivery of the national curriculum and the provision of collective worship and religious education.

Parents should feel able to express their views knowing that they will be dealt with fairly. To provide parents with an accessible and easily understood procedure for complaints, we would encourage parents to express their views at the earliest opportunity and through the appropriate channels. Parents should be assured that making a complaint will not adversely affect their child.

Our approach to resolving any complaint satisfactorily is based on the following principles:

* Informal means of resolution are better than formal procedures, and give greater scope for apology and understanding.
* The procedure is simple to understand, easily accessible and well publicised.
* The procedure is impartial and non-adversarial.
* Procedures will be fast and will occur within defined time-limits.
* All complaints will be thoroughly investigated.
* All procedures will respect the need for confidentiality.
* All procedures will address all the points at issue and provide effective response and redress where appropriate.

**Stage 1: Informal Complaints/Initial Concerns**

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. Staff endeavour to resolve any issues on the spot, including taking action where appropriate, and there are many occasions where concerns are resolved straight through the Class Teacher, the Administration Staff or the SLT depending upon the nature of the issue. If the person’s first contact cannot deal with the matter immediately it will be recorded i.e. date, name, contact address or telephone number and the nature of the concern.

If a Governor is approached they should not get involved in the complaint but should inform the complainant of the school complaints procedure and ask them to approach the member of staff concerned directly or refer it to the Executive Head Teacher.

If the complaint relates to the Executive Head Teacher, the complainant is advised to contact the Chair of Governors.

Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body. (If the complaint relates to the Chair of Governors the complainant is advised to contact the Vice-chair of Governors.)

The person dealing with the complaint must make clear to the complainant(s) what actions/monitoring of the situation will take place putting this in writing only if this seems the best way of making things clear. Where no satisfactory solution has been found the parents will be advised on how they can make a formal complaint.

**Stage 2: Formal Complaint to the Head Teacher**

Complaints should be made in writing where possible but the school recognises that the complainant may have communication preferences and therefore the school will allow a complaint to be made in person, by telephone or in writing. Where a formal complaint is made, the Head teacher will acknowledge the complaint in writing within three working days of receiving the complaint. The acknowledgement will give a brief explanation on the school’s complaints procedure and a target date for providing a response to the complainant. This should normally be within ten working days. If this proves impossible, a letter will be sent to the complainant explaining the reason for the delay in giving a revised target date.

The Executive Head teacher will provide an opportunity for the complainant to meet with them to supplement any information provided previously. It will be made clear to the complainant that they may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf and ask if they have any special requirements the school needs to be aware of, for example, wheelchair access, signing, translation etc.

If necessary, the Executive Head Teacher will interview witnesses and take statements of those involved. If the complaint centres on a child, the pupil should also be interviewed. The child should be told what the interview is about and that they can have someone with them. Children would normally be interviewed with parents/guardians present. In some situations, circumstances may prevent this, for example, where this would seriously delay the investigation of a serious/urgent complaint. In such circumstances another member of staff, with whom the child feels comfortable with, should be asked to attend. If a member of staff is complained against, the needs of that person should be considered.

The Executive Head Teacher will keep written records of meetings, telephone conversations and any other relevant documentation. Once all the relevant facts have been established the Head teacher will then provide a written response to the complainant or may wish to meet the complainant to discuss/resolve the matter directly.

A written response will include a full explanation of the decisions and the reasons for it. Where appropriate this includes what action the school will take to resolve a complaint. The complainant is advised that should he/she wish to take the complaint further then he/she should notify the Chair of Governors within three weeks of receiving the outcome letter.

If the complaint is against the Head teacher, or if the Head teacher has been closely involved at Stage 1, the school’s Complaints Committee should consider carrying out all Stage 2 procedures.

**Stage 3: Formal Complaint to the Chair of the Governing Body**

When a formal complaint is made it will be acknowledged in writing within three working days. The complaint will then be passed to the Chair of Governors who will undertake a review of the complaint. When a complaint is referred to the Chair of Governors he will acknowledge the complaint within three working days. If appropriate, the Chair of Governors will arrange for the complainant to meet with them to clarify or supplement any information provided at Stage 2 of the process. If preferred, this can be done in writing.

The Chair of Governors must keep written records of any meetings, telephone conversations and any other relevant documentation. Once the review has been completed the Chair of Governors should then provide a written response to the complainant outlining the outcome of the review. The written response will include a full explanation. If the complaint is upheld, the response will include what action the school will take to resolve a complaint.

If the review dismisses the complaint the complainant will be advised that, if he/she wishes to take it further, they should notify the Chair of the Complaints Committee within three weeks of receiving the outcome letter. The complaint would then be considered at Stage 4 of the Complaints Procedure.

**Stage 4: Formal Complaint to the Governing Body’s Complaints Committee**

Upon receipt of a written request by the complainant, for any complaint which has reached Stage 3, the procedures will be as follows:-

The Chair of the Committee should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the School’s Governing Body within twenty working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the document(s) to be received by members of the Committee.

The Chair of the Committee will convene a meeting of the Complaints Committee. If requested by the complainant, a complaint can be determined by the Committee on the basis of written representations only. The Chair of the Committee will ensure that the Committee hears the complaint within twenty working days of receiving a letter referred to above. All relevant correspondence regarding the complaint will be given to members of the Complaints Committee; if the correspondence is extensive, the Chair of the Committee may prepare a thorough summary to send to the Panel Members.

The Chair of the Committee will write and inform the complainant, Head teacher and any relevant witnesses and members of the Committee at least five working days in advance of the date, time and place of meeting. Notification to the complainant should also inform him/her the right to be accompanied to the meeting by a friend or advocate. This letter will explain how the meeting will be conducted and the complainant’s right to submit further evidence to the Committee.

The meeting will allow for:-

* The complainant to explain their complaint and the Head teacher to explain the school’s response.
* The Executive Head Teacher to question the complainant about the complaint.
* Complaints Committee panel members to have the opportunity to question both the complainant and the Executive Head Teacher.
* Any party to have the right to call witnesses (subject to the approval of the Chair) and all parties have the right to question all witnesses.
* Final statements by both the complainant and the Executive Head Teacher.
* The Chair of the Committee will explain to the complainant and the Executive Head Teacher that the Committee will now consider its decision and a written decision will be sent to both parties within seven working days.
* The complainant, Executive Head teacher and other members of staff and witnesses then leave.
* The Committee will then consider the complaint and with all the evidence presented:

(a) Reach a unanimous or at least majority decision on the complaint;

(b) Decide upon the appropriate action to be taken to resolve the complaint;

(c) Where appropriate, suggest recommended changes to the school’s systems and procedures to ensure that problems of a similar nature do not happen again.

**Notification of the Committee’s Decision**

The Chair of the Committee should ensure that the complainant is notified of the decision in writing of the Committee’s response within seven days of the meeting. The letter should explain that the complainant can contact the Local Authority or the Secretary of State if they wish to pursue the matter further.

For the Secretary of State to intervene following a complaint, he/she needs to be sure that either:

* The school has acted or is proposing to act unreasonably in the exercise of its functions imposed by the Education Act 1996; or
* The school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.

**The Remit of the Complaints Committee**

The Committee 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 the Complaints Committee needs to remember:-

* It is important that the Committee is independent and impartial and that it is seen to be so. No Governor may be a member of the Committee if they have had a prior involvement in a complaint or in the circumstances surrounding it. In deciding the make-up of the Committee, Governors need to try and ensure that it is a cross section of categories of governor and sensitive to the issues of race, gender and religious affiliation.
* The aim of the meeting, which needs to be held in private, will always be to resolve a 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 Committee 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 Committee will acknowledge that many complainants feel nervous and inhibitive in a formal setting. Parents/guardians often feel emotional when discussing an issue which affects their child. The Chair of the Committee 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 and present during all or part of the hearing.
* The Governors sitting on the Committee need to be aware of the Complaints Procedure.
* **The Committee should meet on a bi-annual basis to review the Complaints Procedure.**

**The Role of the Chair of the Governing Body**

The Chair of the Governing Body will:-

* Check that the correct procedure has been followed;
* if a hearing is appropriate, notify the Clerk to arrange.

**The Role of the Clerk**

It is important that any complaints meeting which is considering complaints should be clerked. The Clerk would be the contact point for the complainant for the meeting and would be required to:-

* Set the date, time and venue of the meeting and ensure the dates are convenient to all parties and that the venue and procedures are accessible;
* collate any written material and send it to the parties in advance of the meeting;
* meet and welcome the parties as they arrive at the meeting;
* record the proceedings;
* circulate the minutes of the Committee’s meeting;
* notify all parties of the Committee’s decision.

It is important that the Clerk does not influence in any way the decision taken by the Committee and must be seen to be impartial at all times.

**The Role of the Chair of the Committee**

The Chair of the Committee has a key role ensuring that:-

* The meeting is minuted;
* the remit of the Committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
* the issues are addressed;
* the key findings of fact are made;
* parents/guardians and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child;
* the meeting is conducted in an informal manner with everyone treated with respect and courtesy;
* the layout of the room will set the tone – care should be taken to ensure the setting is informal and not adversarial;
* the Committee is open-minded and acts independently;
* no member of the Committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
* each party 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.

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