Vine Tree Primary School

Complaints Procedure

Approved by:	[Name]	**Date:** [Date]
Last reviewed on:	[Date]	
Next review due by:	[Date]	

Scope of this Procedure

1. This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint about any facilities or services that the school provides. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this complaints procedure. Any complaints which subsequently lead to staff conduct actions will be considered under staff disciplinary procedures, if appropriate, but outcomes of this will be confidential and will not be shared with the complainant. The scope of this complaint's procedure is covered in more detail in Appendix A.

Timescales

2. Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The school will consider complaints made outside of this timeframe only if the chair of governors and headteacher, having taken advice, are of the view that exceptional circumstances apply.

3. All timescales in this procedure refer to school working days, for this school, excluding school holidays, in- service training (Inset) days and bank holidays.

4. Any complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

Anonymous complaints

5. Anonymous complaints will not normally be investigated. However, the headteacher or chair of governors, if appropriate, will determine whether the complaint warrants an investigation.

Serial or Unreasonable Complaints

6. Where the school judges a complaint to be unreasonable or where a complainant is making serial complaints or raising issues again that have previously been addressed under the final formal stage of the school's complaints procedure, the procedure outlined at Appendix D may be invoked.

How to Raise a Complaint

7. A concern / informal complaint can be made initially in person, in writing or by telephone. It may also be made by a third party acting on someone else's behalf, as long as they have appropriate consent to do so.

8. In the first instance parental concerns should normally be raised with the class teacher or, if the concern is about the class teacher, with a member of the senior leadership team or the headteacher. If the issue remains unresolved, the next step is to make a formal complaint under Formal Stage 1 of this procedure.

9. Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and this may also prevent them from considering a complaint if it reaches Stage 2 of this procedure.

10. A formal complaint against a member of school staff (except the headteacher) should be made in the first instance to the headteacher via the school office and should be marked as private and confidential.

11. A formal complaint that involves or is about the headteacher should be addressed to the chair of governors, via the school office, and should be marked as private and confidential.

12. A formal complaint about the chair of governors, any individual governor or the whole governing board should be addressed to the clerk to the governing board via the school office and should be marked as private and confidential.

13. For ease of use, a template complaint form is included at the end of this procedure (Appendix B). Help in completing the form can be accessed via the school office.

14. In accordance with equalities law, the school will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. This may include providing information in alternative formats, assisting individuals in raising a formal complaint or holding meetings in accessible locations.

Resolving complaints

15. At each stage in the procedure, the school will hope to be able to resolve the complaint. If appropriate, it will be acknowledged that the complaint is upheld in whole or in part. In addition, one or more of the following may be offered:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the school will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology

Withdrawal of a Complaint

16. If a complainant wishes to withdraw their complaint, they will be asked to confirm this in writing. Once a complaint has been withdrawn the same issue cannot be raised again.

Informal Complaints

17. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved without the need to use the formal stages of the complaint's procedure. The school aims to take all concerns seriously and will make every effort to resolve issues raised as quickly as possible.

18. If an individual has difficulty discussing a concern with a particular member of staff, the school will respect this. In this case the complainant will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the complainant will be referred to another staff member. The member of staff will usually be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

19. The school would hope and expect to be able to deal with most concerns raised on an informal basis, and a complainant should not raise a formal complaint before discussing their concerns informally with an appropriate member of staff. It is understood, however, that there are occasions when people remain dissatisfied and would like to raise their concerns formally. In this case every attempt will be made to resolve the issue through the formal stages outlined within this complaint's procedure.

Formal Stage 1

20. Formal complaints must be in writing, preferably on the complaints form provided at Appendix B, to the headteacher, other than in the circumstances referred to in paragraphs 11 and 12.

21. The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

22. Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

23. The headteacher may delegate any investigation to another member of the school's senior leadership team but will not delegate the decision about the merits of the complaint.

24. During an investigation, the headteacher (or designated member of staff) will, if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish, and will keep a written record of any meetings/interviews in relation to the investigation. Staff members may be accompanied at these meetings by a colleague or trade union representative if they wish.

25. At the conclusion of the investigation, the headteacher will provide a formal written response, within twenty school days of the date of receipt of the complaint.

26. If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

27. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

28. The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Formal Stage 1.

29. If the complaint is about the headteacher, or a member or members of the governing board (including the chair and/or vice-chair), a suitably skilled governor/trustee will be appointed to complete all the actions at Formal Stage 1.

30. Complaints about the headteacher or member(s) of the governing board must be made to the chair of governors, via the school office.

31. If the complaint is about significant members, proportions or indeed the entire governing board Formal Stage 1 will be considered by an independent investigator

appointed by the governing board/LA /Diocese/MAT. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Formal Stage 2

32. If the complainant is dissatisfied with the outcome at Formal Stage 1 and wishes to take the matter further, they can escalate the complaint to Formal Stage 2 – a meeting with a panel of three members of the governing board convened for this purpose. This is the final stage of the complaint's procedure.

33. A request to escalate to Stage 2 must be made to the clerk to the governing board, via the school office, within twenty school days of receipt of the Formal Stage 1 response. Requests received outside of this timeframe will only be considered if the clerk to the governing board, having taken appropriate advice, considers that exceptional circumstances apply.

34. The clerk to the governing board will record the date the request to escalate the complaint is received, and acknowledge receipt in writing (either by letter or email) within five school days.

35. The clerk to the governing board will aim to convene a meeting of the governors' complaints panel which is within twenty school days of receipt of the Stage 2 request. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed.

36. The complaints panel will comprise at least three impartial governors with no prior involvement with the complaint. The complainant will be informed in advance of the meeting of the membership of the panel and asked whether they wish to raise any objections to individual members. If objections are raised the panel will give them reasonable consideration. If the ability of a panel member to give the case a fair hearing is called into question the reasons given will be considered and that panel member may be replaced.

37. If there are fewer than three governors from this school available, the clerk to the governing board, or the minute clerk for the hearing, will seek to source additional, independent governors through another local school or academy, in order to make up the panel. Alternatively, an entirely independent panel may be convened to hear the complaint at Formal Stage 2.

38. If the complainant rejects the offer of three proposed dates, without good reason, the clerk to the governing board, or the minute clerk for the hearing, will decide when to hold the meeting, in consultation with the governors' panel. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

39. A suitable venue must be provided for the meeting which includes separate waiting areas for the two parties and refreshments for all involved.

40. At least ten school days before the meeting, the clerk to the governing board, or the minute clerk for the hearing, will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- request copies from both parties of any further written material to be submitted to the panel at least five school days before the meeting;

- request that both parties provide names of any witnesses to be called and the nature of the evidence which they will be providing, at least five days in advance of the meeting. The panel has the discretion not to admit a witness if they do not consider their evidence to be relevant to the complaint.

41. The complainant may bring someone with them to the panel meeting to provide support. This can be a relative or friend. Other than in exceptional circumstances (as agreed in advance with the governors' panel) this should not be a legal representative. This companion will not have the right to speak on the complainant's behalf.

42. If a school employee is called as a witness in a complaints meeting, they may wish to be supported by a representative of their trade union. Any such representative will be present in a supportive capacity only and will not be allowed to speak on the member of staff's behalf.

43. Minutes of the meeting will be taken by the clerk to the governing board, or a minute clerk appointed specifically for the hearing by the governors' panel.

44. There will be no audio or visual recording of the proceedings by any party unless a complainant's own disability or individual needs require it. Prior knowledge and consent of all parties attending must be sought before recordings of meetings or conversations take place. Consent will be recorded in any minutes taken. A copy of the minutes of the meeting, once approved by the governors' panel, will be shared with all parties.

45. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

46. The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Formal Stage 1 of the procedure.

47. The meeting will be held in private and proceedings will be treated as confidential.

48. The meeting will follow the process outlined in Appendix C.

49. The governors' panel will consider the complaint and all the evidence presented. The panel can:
    - uphold the complaint in whole or in part
    - dismiss the complaint in whole or in part.

50. If the complaint is upheld in whole or in part, the panel will:
    - decide on the appropriate action to be taken to resolve the complaint
    - where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

51. The chair of the panel will provide the complainant and the headteacher/chair of governors (depending on who conducted Formal Stage 1) with a full explanation of the panel's decision and the reason(s) for it, in writing, within five school days. The response will also detail any actions taken to investigate the complaint and, where appropriate, will include details of actions the school will take to resolve the complaint.

52. The letter to the complainant will include details of how to contact the DfE if they are dissatisfied with the way their complaint has been handled by the school.

Next Steps

53. If the complainant believes the school did not handle their complaint in accordance with this complaints procedure or it acted unlawfully or unreasonably in the exercise of its duties under education law, they can contact the DfE after they have completed Formal Stage 2.

54. The DfE will not reinvestigate the substance of complaints generally, or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

55. The complainant can refer their complaint to the DfE online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

    Department for Education,
    Piccadilly Gate,
    Store Street,
    Manchester,
    M1 2WD.

This Policy will be reviewed annually.

Appendix A: Scope of this Complaints Procedure

This procedure covers all complaints other than those that are dealt with under other statutory procedures, including those listed below. As noted below, school employees may not use this procedure to raise concerns relating to their employment.

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Cheshire East Borough Council, **School Admissions and Organisation** 0300 123 5012 http://www.cheshireeast.gov.uk/schools/admissions/admissions.aspx
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. **Safeguarding Children in Education (SCiES)** 01606 275039 http://www.cheshireeast.gov.uk/schools/safeguarding_in_education/safeguarding_in_education.aspx
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through this procedure.*
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the DfE (see link above), depending on the substance of your complaint.
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, LA safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the school, the complaints procedure may be suspended until those legal proceedings have concluded.

Appendix B: Complaints Form

Please complete and return to the school office marked private and confidential for the attention of the headteacher or chair of governors 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, including whether you have spoken to anybody at the school about it.

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 who:
Complaint referred to:
Date: