St. Margaret’s C of E.
Primary School

Complaints Procedure

October 2018
St Margaret’s Primary School Complaints Procedure

1. Introduction and scope

The school aims to work in partnership with parents and the wider community. We believe that co-operation and a sense of joint purpose between staff, parents and the School will assist in ensuring open and positive relationships. From time to time, however, parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of the School, the conduct of the Headteacher, an individual member of staff, the Governing Body or an individual governor. The School will always give serious consideration to concerns and complaints that are brought to its attention. In considering concerns or complaints, the School will ensure that they are dealt with effectively and with fairness to all parties. Where possible complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out in section 4 will be followed.

2. What is a concern or complaint?

- A concern or complaint is defined as an expression of dissatisfaction about the conduct/operation of the School, the conduct of, actions or lack of actions by a member of staff/the Governing Body/an individual governor, unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.

- Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply.

  - Child Protection
  - Freedom of Information Access
  - Functions of the County Council
  - Pupil Exclusions
  - School Admissions
  - Services provided by other organisations on the school site or through the school
  - Staff grievance
  - Special Educational Needs assessment and statementing procedure
  - Whistleblowing by an employee

3. Making a complaint – who to complain too

If the complaint is about;

- Something that has happened or failed to happen in school, contact the Headteacher
- The actions of the Headteacher, contact the Chair of Governors via the school
- The actions of a Governor, contact the Chair of Governors via the school
- The actions of the Chair of Governors, contact the clerk to the Governors via the school
- The actions of the Governing Body, contact the clerk to the Governors via the school
4. Complaints Procedure

Stage 1 (informal):

It is in everyone’s interest that complaints are resolved at the earliest possible stage. In the first instance the School will seek to resolve concerns and complaints informally with the member of staff or governor concerned and encourage the complainant to discuss with them the matters causing them concern.

However, if that does not resolve the problem then the matter should be brought to the attention of the Headteacher (complaints and concerns about governors should be made to the Chair of Governors).

The Headteacher (or Chair of Governors) will then seek to resolve the matter informally and will:

- acknowledge the complaint;
- make enquiries to establish the facts;
- seek advice as appropriate;
- attempt to resolve the matter informally;
- establish whether or not the complainant is satisfied;
- advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint;
- make a brief note of the complaint and the outcome.

This stage would normally be expected to be completed in 20 school days. A complainant wishing to proceed to the formal stage of the procedure should normally notify the Headteacher/Chair of Governors within 20 school days of being notified of the outcome of the informal stage.

The informal stage will not be used if the allegations made refer to:
- criminal activity which may require the involvement of the police
- financial or accounting irregularities
- abuse of children

Stage 2 (formal):

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.

At this stage the Headteacher (or Chair of Governors if the complaint is due to the actions of the Headteacher) will:

- ensure the complainant is aware of the procedures
- require a written record of the complaint- appendix 1 (someone else may write this on behalf of the complainant)
- formally acknowledge the complaint
- seek advice as appropriate
- if the complaint concerns a member of staff (or governor) inform them and provide them with a copy of the complaint
- arrange for a full investigation of the complaint
• prepare a report as a result of the investigation and consider actions to be taken
• advise the complainant of the outcome. Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised, in writing. They should also be informed of their right to appeal to the Complaints Appeals Committee within 20 school days
• make a record of the complaint and its outcome, this should be retained for School records.

This stage would normally be expected to take no more than 20 school days. The Governing Body should be informed in general terms of all formal complaints.

Stage 3 (formal): Appeals stage

The Complaints Appeals Committee of the Governing Body will consider complaints where the Headteacher (or Chair of Governors) has not been able to resolve the complaint to the satisfaction of the complainant and the complainant wishes to appeal. Any appeal must be made in writing to the Clerk to the Governing Body (the School will advise the complainant of the contact details). The Committee will be convened by the Clerk to the Complaints Appeals Committee (Governing Body) and will:

• consider the written materials
• consider the complaint and the Headteacher's (or Chair's) action
• invite the Headteacher or Chair of Governors (as appropriate) and the complainant to the meeting
• seek advice and support as necessary.

At the end of their consideration the Committee will:

• determine whether to dismiss or uphold the appeal in whole or part, including, if appropriate, referring the matter back to the Headteacher/Chair of Governors for further consideration
• where upheld, decide on appropriate action
• advise the complainant and Headteacher of their decision
• advise the complainant of any further action they could take if they remain dissatisfied.

The Clerk to the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the decision of the Complaints Appeals Committee and for the matter to be reported to the Governing Body.

This stage would normally be expected to take no more than 20 school days.

5. Complaints about a governor, the Chair of Governors or the Governing Body

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant. In dealing with this matter the Chair should seek advice from the Local Authority's Governor Services Team or Diocesan/Church Authority Officer.

Any appeal against the Chair’s response would be dealt with by the Complaints Appeals Committee.
Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be considered by the Complaints Appeals Committee of the Governing Body. Clerks to Governors should seek advice from the Local Authority's Governor Services or their Diocesan/Church Authority Officer. Governor Services or the Diocesan/Church Authority may be able to assist with any investigation.

6. 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. Complainants should be advised to write to The School Complaints Unit (SCU) at:

Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD.

7. What will the department for Education do?

If a complainant has exhausted the local procedures, SCU will examine if the 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. The department will not re-investigate the substance of the complaint. This remains the responsibility of the 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.

8. Checklist for a panel 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
9. **School's responses to unreasonably persistent complaints or unreasonable complaints**

This document set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty and reach a resolution.

However, in cases of unreasonably persistent complaints or harassment, the school may take any or all of the following steps, as appropriate:

- Inform the complainant informally that the procedure has been completed and that the matter is now closed;
- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- Inform the complainant in writing that the school has taken every reasonable step to address the complainant's needs and now considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/Harassment Policy;
- Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken;
- Inform the complainant that, except in emergencies, the school will respond only to written communication.
- Inform the complainant in writing that his/her behaviour is now considered to fall under the terms of this policy and that any complaint will not be investigated further until it is pursued in a manner the School considers to be reasonable
- Place restrictions on the individual's access to school and/or school staff.
- Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult in school.
- Involve officers of the local authority.
10. School’s arrangements for handling complaints from parents of children with special educational needs (SEN)

Please note that complaints from parents of children with SEN about the school’s support are within the scope of the school’s complaints procedure. Where parents have specific complaints about the Education Health and Care (EHC) plan procedures, or about the content of their child’s EHC plan, these complaints should be referred to the LA. This is in accordance with the SEND Code of Practice.
# Appendix 1.

## Complaints Form

<table>
<thead>
<tr>
<th>Your Name:</th>
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</thead>
<tbody>
<tr>
<td>Pupils name (if relevant):</td>
</tr>
<tr>
<td>Your relationship to the pupil (if relevant):</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Postcode:</td>
</tr>
<tr>
<td>Daytime telephone number:</td>
</tr>
<tr>
<td>Evening telephone number:</td>
</tr>
<tr>
<td>Please give details of your complaint:</td>
</tr>
<tr>
<td>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response?)</td>
</tr>
<tr>
<td>Question</td>
</tr>
<tr>
<td>----------------------------------------------</td>
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<tr>
<td>What actions do you feel might resolve the problem at this stage?</td>
</tr>
<tr>
<td>Are you attaching any paperwork? If so, please give details.</td>
</tr>
<tr>
<td>Signature:</td>
</tr>
<tr>
<td>Date:</td>
</tr>
<tr>
<td>Official use</td>
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<tr>
<td>Date acknowledge sent:</td>
</tr>
<tr>
<td>By who:</td>
</tr>
<tr>
<td>Complaint referred to:</td>
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<tr>
<td>Date:</td>
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