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**Catshill Middle School and Catshill First School &
Nursery**

Complaints Policy

Revised: March 2017

To be reviewed: March 2018

Signature Chair of Committee

Date

Worcestershire County Council (WCC) Commissioned Services

Human Resources – Liberata

Learning and Achievement – Babcock Prime

Admissions – Babcock Prime

Finance - WCC

Complaints Policy

This policy is based on the **School complaints toolkit 2014: Departmental advice for maintained schools, maintained nursery schools and local authorities, August 2014.**

From 1st September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, 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.** The School publishes details of its Complaints Procedure and any out-of time limits the Governors have prescribed in a variety of ways which include:

- the school website

At Catshill First School & Nursery and Catshill Middle School we recognise that parents and carers are important partners in providing a happy, safe environment in which children may learn. This is based on an equal partnership based on good communications between school staff and parents/carers. It is important that any concerns are addressed at the earliest opportunity. We would like to know as soon as possible when parents/carers are concerned or worried, so that we can work together to resolve the matter. Our staff will also need to be confident that the parents/carers will listen when they too have concerns.

This complaints procedure is designed to ensure the process is consistent and fair to all parents/carers. **It is envisaged that the majority of concerns and complaints can be resolved informally.** Confidentiality should be respected at all times although it may be necessary that some information will need to be shared to enable a thorough investigation to be carried out.

Our aim is that complaints should be dealt with as quickly as possible and outcomes recorded at each stage. It is important to monitor the gender, ethnicity or disability of the complainant in order to address any equality issues.

An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or carry out its own review to test whether there is any evidence to commence a formal investigation.

Complaints procedures **should not** be used for the following, as there are specific procedures that must be followed-:

- complaints about the National Curriculum
- collective worship
- religious education
- pupil admissions
- pupil exclusion
- special educational needs
- child protection
- employee grievances and disciplinary proceedings.

Dealing with complaints – initial concerns

Schools need 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. However, formal complaints should always follow the complaints procedure.

These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

Dealing with complaints – formal procedures

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Investigating complaints

It is suggested that at each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

Resolving complaints

At each stage in the procedure schools will want to 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;
- 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 school policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence.

Time Limits

Complaints need to be considered and resolved, as quickly, and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set. The complainant should be sent details of the new deadline and an explanation for the delay. In the Annex A1 you will find a flowchart to exemplify the recommended process.

Cut-off Limits

It is arguably reasonable to expect parents to make a complaint as soon as possible after an incident arises but there may be good reasons why a parent has not made a complaint earlier (e.g. they were gathering further information to support their complaint or they were not fully aware of the implications of an incident until a later date). In light of this, schools should ensure that if they have a general cut-off policy that they are willing to consider exceptions.

At Catshill First School & Nursery and Catshill Middle School, a complaint will usually be considered as 'out of time' if it is raised more than 3 months after the matter in question being known to the complainant.

The Complaints Procedure

The Stages of Complaints

An efficient school complaints procedure will have well-defined stages. At each stage it would be helpful to clarify exactly who will be involved, what will happen and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the head teacher after a meeting with the complainant.

Summary for Dealing with Complaints

Stage 1 (informal): complaint heard by staff member (Ensure Head of School / Executive Headteacher is informed)

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they will know what to do when they receive a complaint. It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the school can refer the complainant to another staff member. Where the complaint concerns the Executive Headteacher, the school can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the school may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Where informal attempts by the school have failed to bring about a satisfactory resolution for the parent/carer, the parent/carer is entitled to request that the complaint be treated more formally.

Unless the complaint directly concerns the Executive Head teacher, it will be him/her who deals with this next stage (Stage Two).

Stage 2 (formal): complaint heard by Executive Headteacher;

[If the complaint concerns the Executive Head teacher, the Chair of Governors is personally responsible for following the procedures in Stage 2. Otherwise, the Executive Headteacher deals with this Stage].

This stage can be initiated if/ when dissatisfaction with the outcome of stage one is received by the school. At this point, a copy of these Procedures and Policy will be sent to the complainant within 3 school days, together with the formal complaint form (Annex C).

The form is structured so that each party has a common understanding about the complaint. As the main purpose of the process is to achieve reconciliation, parents/ carers are also asked what actions might resolve the problem.

After the formal complaint form is returned, it will be acknowledged within 3 school days and the investigation will commence.

This is the first stage of the formal complaints process and as a result, all communications between parties will be recorded.

Before proceeding with a formal investigation, the Executive Headteacher may wish to meet with the individual and discuss his/her concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Executive Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure. In the latter case, the Executive Headteacher will advise the complainant on what will need to be done.

It is suggested that the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

The Executive Headteacher may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. The investigation should involve the review of any relevant documentation and information. If necessary, witnesses will need to be interviewed and statements taken from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

The outcome of the investigation should be communicated to parents/carers, either at a meeting (followed up in writing) or as a written response. This response should explain the outcome and should be supported by reasons for reaching this decision and what action, if any, will be taken. (If management action is subsequently required against an employee of the school, the

parents/carers will not have access to this information). **This response should be provided within 10 school days of acknowledging the complaint.**

If the complainant is still dissatisfied with the response given and would like to take the complaint further, they should make this clear in writing to the Executive Headteacher. On receipt, s/he will send on the complaint form and all associated information to the Chair of Governors. [In the case of the Executive Headteacher, if the complainant is still dissatisfied, and wishes to take it further, the Chair should be so advised, and Stage 4 initiated]

Stage 3 (formal): complaint heard by Chair of Governors

If the complainant is not satisfied with the response of the Executive Headteacher or the complaint is about the Executive Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

On receipt of the information from the Executive Headteacher, the Chair of Governors will verify that the parent/carer has properly exhausted all stage 2 procedures. If not satisfied, the Chair will refer the matter back to the Executive Headteacher. When satisfied, the Chair will contact the Clerk and liaise with him or her to make preparatory arrangements for the Governors' Complaints Panel Meeting.

Stage 4 (formal): complaint heard by Governors' Complaints Appeal Panel

The Chair will contact the Clerk and liaise with him or her to make preparatory arrangements for the Governors' Complaints Panel Meeting. The Clerk may be the Clerk to the Governing Body, or, in exceptional circumstances, another Governor acting as Clerk, (over and above those selected for the Panel).

The Chair of Governors will identify three governors chosen from an agreed pool of governors to form the Complaints Panel, and the Panel will appoint its own chair.

The Chair of Governors or Clerk to the Governors' Complaints Panel will acknowledge (to the complainant) receipt of the information from the Executive Headteacher within 5 school days.

This letter will inform the parent/carer that the complaint will be heard by the Complaints Panel within 15 school days. In exceptional circumstances, the parent/carer will be notified where this timed period will need to be extended and the reasons for this.

The Clerk of the Panel will convene a meeting of the Complaints Panel, (as identified by the Chair of Governors), and arrange a time and date for the meeting. All relevant documentation from the Executive Headteacher and the parent/carer will be distributed to all parties, (including the Panel members) in advance of the meeting.

The Panel has discretion as to how it will carry out its duties, some of which are itemised in Annex B. As part of this, parents /carers will be asked to attend a meeting of the Panel (with accompanying relative or friend if desired).

The Chair of the Panel needs to ensure that the parent/carer is notified of the Panel's decision in writing **within 5 school days** of the meeting. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

If the parent/carer is dissatisfied with the response they have been given, and would like to take the complaint further they are entitled to complain in writing to the Secretary of State for Education if they believe that their complaint was not handled fairly and in accordance with the school's complaints procedures. This involvement will only commence once the parent/carer

has exhausted all of the school-based stages (up to, and including, a Governors' Complaints Panel of the Complaints Procedures).

Complainants should be advised to write to:

The School Complaints Unit (SCU) at:
Department for Education 2nd Floor,
Piccadilly Gate
Manchester
M1 2WD

The written complaint must include the following information:-

- details of the original complaint
- the decision and recommendations/ action (if any) of the Governors' Complaints Panel
- reason for believing the original complaint was not dealt with fairly and in accordance with the school's complaints procedures
- the expected desired outcome.

Managing and Recording Complaints

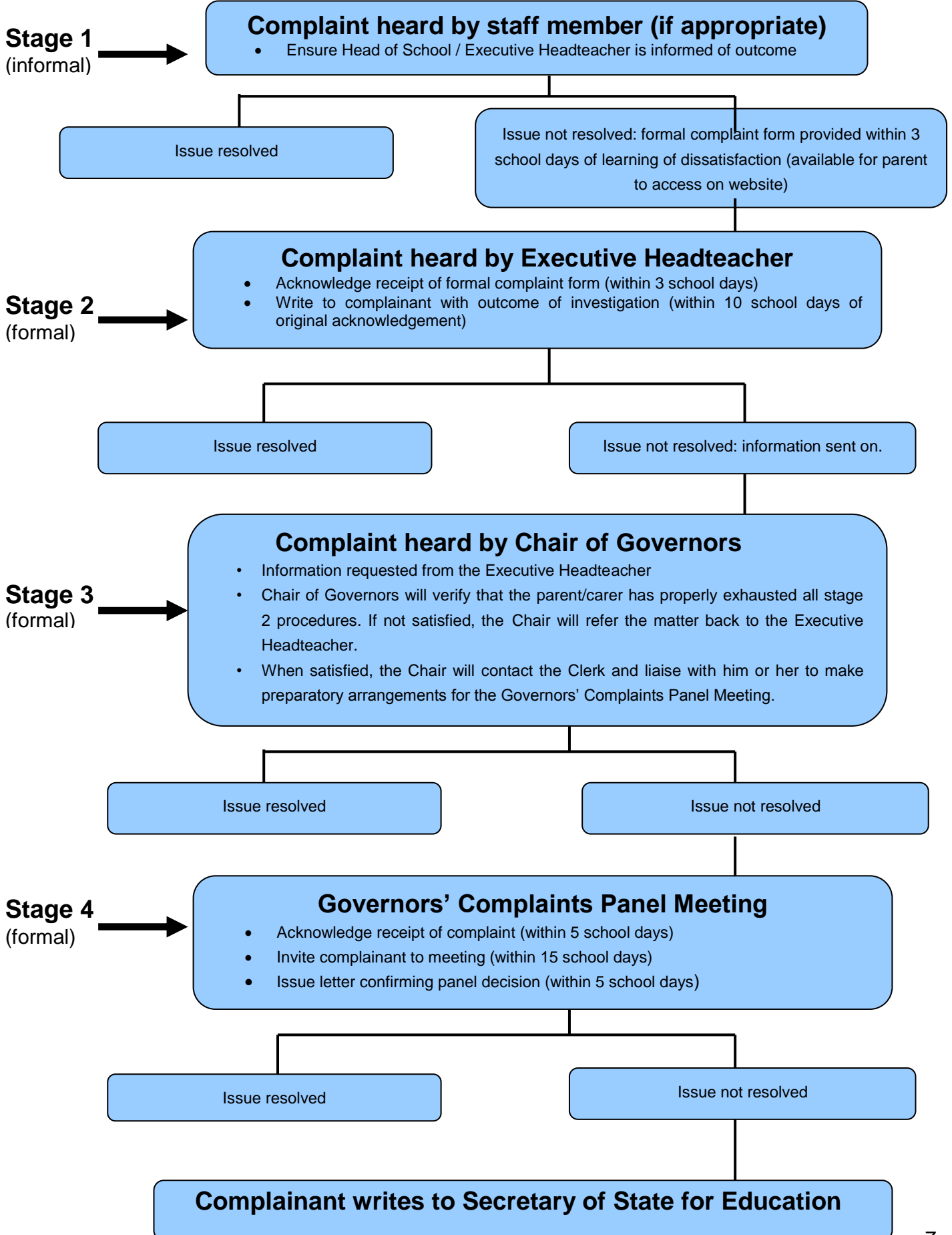
Schools should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Annex C. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

Governing Body Review

The Governing Body will monitor the level and nature of complaints, and review the outcomes on a regular basis to ensure the effectiveness of the procedure, making changes where necessary. Complaints information shared with the whole Governing Body should not name individuals in case an appeal panel needs to be constituted. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed.

The frequency with which the school complaints procedure must be reviewed is determined by the Governing Body. **At Catshill First School & Nursery and Catshill Middle School this will be on an annual basis** and the revised policy must be ratified by the Governing Body. Reviews should also be considered in the event that new guidance or legislative changes are introduced by the Department for Education.

Complaints Procedure/Policy Flowchart



MODEL PROCEDURE FOR THE CONDUCT OF A GOVERNORS' PANEL HEARING TO CONSIDER A COMPLAINT

It is important that the members of the Governor Panel are impartial and independent, and seen to be so. The Panel members should have no prior involvement with the case, and be sensitive to the constitution of the Panel with regard to issues of equality.

It may be the case that parents/carers feel anxious that they will not be provided with opportunities for them to be heard or that the procedure is not seen to be fair (i.e. parents may perceive the Governors' view to be weighted in the school's favour). Panel members need to be aware these perceptions may exist and endeavour to demonstrate openness and objectivity in their actions.

THE HEARING

Reports and statements submitted to the Panel should be made available to all parties in advance of the hearing.

The Chair of the Panel must determine in advance the most appropriate method of conducting the hearing into the complaint so that the Panel may achieve 'best evidence'. The decision will be influenced by the contents of the Complaints Form and other information to hand. Some possibilities are listed below, but they are not exhaustive:

Option One

To consider the written statements, reports and evidence provided in advance, and to question the originators about their substance.

This approach is likely to be least effective, as it might result in a time-consuming search for additional information and cross-referencing.

Option Two

Interviewing separately the complainant and the school representative, and other parties deemed relevant by the Chair, in order to hear statements and collect additional directly related evidence.

Option Three

With the agreement of all parties, to hold a hearing with both sides present and available to respond to questions put by the Panel, and through the Chair. Such a meeting should be non-adversarial.

Option Four

With the agreement of all parties, to hold a meeting with both sides present, to follow an Agenda on the lines of the following Model: Witnesses are only required to attend for the part of the hearing in which they give their evidence.

Model Agenda

- 1) Complainant explains reasons for making the complaint, and calls witnesses if desired.
- 2) Executive Headteacher and Panel members may ask questions
- 3) Executive Headteacher invited to explain the school's actions and call witnesses if desired
- 4) Complainant and Panel members may ask questions
- 5) Complainant is invited to sum up the complaint
- 6) Executive Headteacher is invited to sum up the school's actions and response to the complaint
- 7) The parties leave together, and the Panel considers its decision

It is essential to recognise at all times, that the procedure for any of the above options deals only with establishing the validity of a parental complaint and does not constitute a hearing connected with any disciplinary process.

The complainant is welcome to bring an accompanying relative or friend if desired, and witnesses if appropriate.

The school representative will be the person who dealt with Stage Two

[The Executive Headteacher usually, but the Chair of Governors if the complaint related to the Executive Headteacher] S/he may bring a friend if desired.

If other members of staff or other witnesses are needed because of their perceived involvement in the substance of the complaint, each, too, may be accompanied by a friend.

The Clerk to the Governors' Panel will be responsible for inviting participants into the room at the relevant times, and make introductions as necessary.

The Clerk to the Governors' Panel should keep an accurate record of the discussion at the meeting. The Governors may need to refer to this to assist them in their consideration of the case. It may be helpful to the parent/carer for them to be informed if these notes will be made available to them. If, as a result of the complaint being upheld there is any disciplinary action towards a member of staff, the parent/carer is not permitted any knowledge of this. Therefore, if any notes are made available to complainants, any such references should be removed before being sent.

The Chair should explain the Panel's Remit and that the purpose of the hearing is to review the complaint and try to resolve the issues to enable reconciliation between the parent/carer and the school. It may only be possible to establish the facts and recommend future actions.

The Chair should reassure all parties that they will have every opportunity to state their case.

The Chair should explain the procedure decided upon for the hearing. It may be helpful to have printed copies of this available to all parties.

The Remit of the Complaints Appeal Panel

The Panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on appropriate action to be taken to resolve the complaint
See possible resolutions on below
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

The Panel should consider: -

- The evidence (written and oral) from the school representatives and the parent/carer.
- The relevant school policies and procedures (e.g. anti-bullying, race equality, dress code, and discipline).
- The extent to which the school's action is consistent with the appropriate school policy (i.e. have the school managed the issue in the manner defined in their documentation?).
- The response of the Panel to the parent's/carer's complaint, having considered the information made available to them, providing reasons for their decision.
- Areas of agreement identified between the parties.
- Misunderstandings identified, which can be remedied.

Possible resolutions. (re-printed from adopted Procedure)

Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about, (if justified) will not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint.

- Any recommendations to review/ revise school policies and procedures as necessary. This should identify a reasonable timescale and a nominated person who will be responsible for this to be achieved, and progress should be monitored by the Governing Body.
- The appropriate action to be taken by the school, if necessary.
- Recommendations on changes to school policies and procedures in the light of this experience, if necessary.

Reminder: If as a result of the complaint being upheld, there is disciplinary action contemplated towards a member of staff, the complainant is not permitted any knowledge of this.

The Panel's decision, with reasons, should be confirmed in writing to the parent/carer, Executive Headteacher and Chair of Governors within 5 school days.

Complaint Form

Please complete and return to the Executive Headteacher who will acknowledge receipt. The Procedure, at Stage 2, explains what action will be taken after receipt.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.
(Whom did you speak to, when, and what was the response)?

The form continues overleaf.....

What actions do you feel might resolve the problem?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: