

Midgley School Complaints Policy – February 2017

PLEASE SEE APPENDIX 1 FOR A QUICK GUIDE TO THE PROCESS FOR DEALING WITH COMPLAINTS.

ADVICE FOR PARENTS

It is the responsibility of the school, and not CMBC, to investigate most complaints. Communication, written or spoken, is valued as part of the partnership between home and school. This whole process exists so that your views, and the views of others, can be heard. You have rights. Pupils have rights. Staff and governors have rights. The aim is that the complaint should be properly and fairly dealt with. Communications with schools are welcome. The later stages of the Complaints Procedure are used rarely but remain part of the process. Services are improved by a positive response to compliments, concerns and complaints. This policy will explain the procedure that you should follow if you have a concern or a complaint.

GENERAL COMPLAINTS PROCEDURE FOR DEALING WITH SCHOOL COMPLAINTS

This General Complaints Procedure does not cover complaints which fail to be dealt with under statutory provision e.g. complaints relating to the Curriculum, Sex Education, SEN, Child Protection Investigations, *Admissions, *Exclusions and *Staff Grievance and Capability Proceedings. Queries about how these issues should be dealt with should be addressed to the Group Director, Schools and Children's Services, in the first instance. *In schools where the Governing Board is the employer, (Foundation and Voluntary Aided Schools), complaints relating to Admissions, Exclusions and Staff Grievance and Capability Proceedings should be addressed to the school Governing Board.

INTRODUCTION

Communication, written or spoken, is valued as part of the partnership between home and school. Co-operation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in the school. A general complaints procedure that sets out clear procedures to be followed in the event of a complaint gives a structured opportunity for all concerned to express and resolve concerns at an early stage. The following structure for the consideration and resolution of complaints is recommended.

PROCEDURAL GUIDANCE

All complaints should be brought to the school's attention **no more than 3 months after the incident has taken place**. Complaints brought after this time will be considered if there are extenuating circumstances, for example, if it has taken some time for the complainant to pull together evidence.

STAGE ONE

Teacher (or Headteacher if immediately involved)

Dealing with concerns/complaints informally

Any parent who has a concern/complaint should make contact with the appropriate member of staff. The staff member should make a written note of all concerns, detailing the date, name, contact address or phone number of the complainant and as much information regarding the matter as possible. Class Link Governors will inspect this log at their termly visit.

The member of staff dealing with the concern/complaint should make sure that the parent is clear what action (if any) or monitoring of the situation has been agreed. If no satisfactory solution has been found within 10 working days, the complainant may refer the complaint to the Headteacher (level one) or Chair of Governors (level two) if the complaint is about the Headteacher.

STAGE TWO – Level One

Investigation by the Headteacher (if the complaint is not against the Headteacher)

The complainant should make a written complaint to the Headteacher. The complaint should be acknowledged within 3 working days of receipt. The written acknowledgement should give a brief explanation of the school's General Complaints Procedure and a target date for providing a response to the complaint. This will normally be within 10 working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. The written acknowledgement should be signed by the complainant and Headteacher to ensure that both parties have the same understanding of the matter.

The Headteacher should provide an opportunity for the complainant to meet him/her to provide any further information relevant to the complaint. Depending on the reason for the complaint, statements from witnesses may be required.

The Headteacher should keep written records of meetings, telephone conversations and other documentation in the form of a complaint log. This may be necessary should the LA have to investigate how a complaint was handled.

When all the relevant facts have been established, the Headteacher should produce a written response to the complainant. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, this should include any action the school will take to resolve the complaint. When the complaint is resolved, a signed statement to this effect is required from the complainant. The complainant should be advised that if she/he wishes to take the matter further, s/he should notify the Chair of the Governing Board within 10 working days of receiving the outcome letter.

STAGE TWO – Level Two

Investigation by the Chair of Governors

If the Chair of Governors has been involved at an earlier stage – the complaint must be referred to the Governing Board’s Complaints Panel.

If there has been no previous involvement, the complainant should make a written complaint to the Chair of Governors. The complaint should be acknowledged within 3 working days of receipt. The written acknowledgement should give a brief explanation of the school’s General Complaints Procedure and a target date for providing a response to the complaint. This should normally be within 10 working days, but if not, a letter should be sent explaining the reason for the delay and giving a revised target date. The Chair of Governors should provide an opportunity for the complainant to meet him/her to provide information relevant to the complaint. Depending on the reason for the complaint, statements from witnesses may be required. The Chair of Governors should keep written records of meetings, telephone conversations and other documentation. When all the relevant facts have been established, the Chair of Governors should produce a written response to the complainant. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, this should include any action the school will take to resolve the complaint. If the complaint is resolved, a signed statement to this effect is required from the complainant. The complainant should be advised that if s/he wishes to take the complaint further, s/he should notify the Chair of the Governors within 10 working days of receiving the outcome letter.

STAGE THREE

At Stage Three the complaint may be referred to the Governing Board’s Complaints Panel, or the Complaints Panel may wish CMBC to investigate on behalf of the Governing Board as part of a Service Level Agreement. If the complaint is to be considered by the Complaints Panel it is very important that discussion about the complaint does not take place outside of the Complaints Panel. This would prejudice a fair hearing.

It is only possible to move to Stage Three if the complainant has:

- sought to resolve the concern through Stages 1 and 2;
- allowed reasonable time (normally no more than four school weeks) for investigation of the concern;
- accepted any reasonable offer by the school to discuss the result of the investigation;
- taken part in any process of mediation offered by the school;
- made the initial complaint within two months of the incident occurring.

The Governing Board should have established a Complaints Panel to deal with school complaints (this could be the committee that deals with Pupil Discipline, since the procedures will be similar). It should be the responsibility of the Complaints Panel to hear and decide about formal complaints that have not been resolved at the earlier stages of the General Complaints Procedure. The panel should consist of at least three governors who have not previously been involved in dealing with the complaint, and the Chair of the panel should be named. The Headteacher should not be a member of the panel.

Upon receipt of a written request by the complainant for the complaint to proceed to Stage Three, the procedures outlined below should be followed.

The Chair of the Governing Board should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the Governing Board’s Complaints Panel will hear the complaint within 20 working days.

The Clerk to the Governing Board should convene a meeting of the Complaints Panel within the agreed timescale. The clerk should be responsible for making all the arrangements for the meeting, including the time and place. The complainant, Headteacher, any relevant witnesses and members of the Complaints Panel should be informed at least five working days in advance of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter should also explain how the meeting will be conducted.

The Headteacher should be invited to attend the Complaints Panel meeting and to prepare a written report for the Panel in response to the complaint. Any relevant documents, including the headteacher's report, should be received by all concerned, including the complainant, at least five days prior to the meeting. The meeting should be appropriately minuted.

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. The Panel should try to ensure that the meeting is not too formal or intimidating for those involved. All should be told the names of everyone present and have the procedure explained to them at the beginning of the meeting.

The meeting should allow:

- the complainant to explain his/her complaint/s and the Headteacher to explain the school's response;
- the complainant to question the Headteacher and/or other members of staff about the school's response, and the Headteacher to question the complainant about the complaint;
- panel members to have an opportunity to question the complainant, the Headteacher and any witnesses, as appropriate;
- final statements by both the Headteacher and the complainant.

The Chair of the Panel should explain to the complainant and the Headteacher that the Panel will now consider its decision, and that a written decision will be sent to both parties within seven working days. The complainant, Headteacher and other members of staff and witnesses should leave the meeting.

The Panel should then consider the complaint and all the evidence presented and:

- a) reach a majority decision on the complaint;
- b) decide upon the appropriate action to be taken to resolve the complaint;
- c) where appropriate, recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again. Recommendations should be reported to the Governing Board at an appropriate time;
- d) where appropriate to do so, recommend any further action.

The Clerk to the Governing Board should send the complainant, the Headteacher and Chair of Governors a letter with the outcome of the meeting within seven working days of the meeting.

No appeal to the Governing Board is available in the matter of the complaint. If the outcome of the governors' investigation finds that there is a personnel disciplinary issue, the matter must be referred to the appropriate committee and the schools' agreed disciplinary procedures followed. In respect of a grievance arising from a member of staff, this should be heard separately under existing grievance procedures.

If CMBC is asked to investigate the complaint on behalf of the Governing Board, the investigation will be carried out as part of a Service Level Agreement.

CMBC will provide an opportunity for all of those involved to provide information relevant to the complaint. Depending on the reason for the complaint, statements from witnesses may be required.

When all the relevant facts have been established, the designated officer will produce a written report based on the evidence presented with appropriate recommendations. The report will be sent to the Chair of the Complaints Committee.

The Chair of the Complaints Committee should then write to the complainant with a full explanation of the outcome of the investigation. Where appropriate, this should include any action the school will take to resolve

the complaint. If the complaint is resolved, a signed statement to this effect is required from the complainant. The complainant should be advised that should s/he wish to take the complaint further, s/he should notify the Chair of the Governors within 10 working days of receiving the outcome letter.

STAGE FOUR

Complaint to CMBC

If the complainant wishes to pursue the matter further, CMBC will only consider the case if the complaint is one deemed relevant under Section 409 of the Education Act 1996 (Complaints and Enforcement). Such a request must be addressed to the Group Director, Schools and Children’s Services and be received within 15 days of the date of the letter giving the outcome of the meeting held at Stage Three of the General Complaints Procedure. CMBC has a statutory responsibility to consider a relevant complaint about the curriculum that has not been resolved by the Governing Board. The procedures for dealing with such a complaint are contained in CMBC’s “Arrangements for the consideration of Complaints about the School Curriculum and Related Matters”. There is no further appeal to CMBC.

STAGE FIVE

Complaint to the Secretary of State

If a complainant wishes to pursue the complaint s/he has recourse to the Secretary of State. Complaints can be taken to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the grounds that a Governing Board or CMBC is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Board or CMBC has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Board or CMBC for more information in order to consider the complaint.

A complaint about a member of the Governing Board should be referred to the Complaints Panel of the Governing Board and the appropriate procedures followed.

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APPENDIX 1 – The Complaints Process

STAGE ONE

Teacher (or Headteacher if immediately involved)
Complainant discusses issue with class teacher or Headteacher. Written log made. If not resolved, move to Stage 2.

If complaint is not against Headteacher

If complaint is against Headteacher

STAGE TWO (2 Levels)

Level 1
Investigation by the Headteacher
Written complaint sent to Headteacher, who will make a written acknowledgement, to be signed by Complainant and Head. Head to investigate and respond to the complainant. If not resolved, move to Level 2 opposite...

Level 2
Investigation by the Chair of Governors
If Chair has not been involved earlier, s/he must take written complaint, investigate and respond within 10 days. If Chair has been involved or if complainant not satisfied, move to Stage 3...

STAGE THREE

Investigation by Governing Board
At this stage, the complaint must not be discussed outside the Complaints Panel as this would prejudice a fair hearing.
The Complaints Panel should meet within an agreed timescale. Everyone should receive copies of all documentation. The Headteacher and complainant will both be able ask and answer questions at the meeting. There is no appeal mechanism to the GB at this stage. If the complainant is not satisfied, the matter should be referred in writing to the Local Authority...

Investigation by the LA.
The matter should be referred in writing to the Group Director, Schools and Children's Services, who will carry out an investigation. The Head and complainant will be interviewed. No new evidence can be submitted at this stage. The LA will produce a report to the GB on the outcome with recommendations. There is no appeal mechanism.

There is no appeal mechanism to CMBC.

STAGE FOUR

Referral to the LA by the complainant
A complaint may be referred to the LA where the complainant is not satisfied with **the process** followed by the Governing Board/School in dealing with the complaint. The LA will carry out an investigation into the way in which the complaint has been administered. It will not be possible to move to the next stage of the procedure if the matter has not been initially referred to the LA.

STAGE FIVE

Referral to the DCSF

Complaints can be taken to the DCSF under Section 496 of the Education Act 1996, on the grounds that a Governing Board or LA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Board or the LA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Board or the LA for more information in order to consider the complaint.