



# The Diocese of Chelmsford Vine Schools Trust Complaints Policy



Church of England Primary School

February 2018

**MANDATORY**

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## 1. Introduction

- 1.1 At Ridgewell Church of England Primary School we encourage all parents and pupils to approach any member of staff in the first instance if they have a concern or complaint.
- 1.2 In the event that these initial approaches fail to resolve a complaint, this policy lays out the procedures that should be followed to allay any concerns about a particular issue.
- 1.3 If you do not understand any part of this policy please do not hesitate to contact the Headteacher or the Vine Academy Support Officer responsible for complaints (please contact the academy office in confidence to obtain contact details). Your complaint will then be investigated fully, ensuring all relevant facts are taken into consideration.

For further information about current government legislation please see Appendix A.

## 2. Difference between a Concern and a Complaint

- 2.1 A 'concern' is 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint is defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.
- 2.2 We believe in trying to resolve complaints at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. At Ridgewell Church of England Primary School we take informal concerns seriously and make every effort to resolve the matter as quickly as possible.
- 2.3 There are occasions when complainants would like to raise their concerns formally. In those cases, the formal procedure set out in this policy should be invoked.

## 3. Registering a Complaint

- 3.1 Initially we would ask that a parent or pupil discusses the complaint with the relevant member of staff, usually the class teacher. However, if they have difficulty with discussing this issue with that member of staff, the complaint can be referred to another member of staff. Similarly, if the member of staff directly involved felt unable to deal with the complaint then another member of staff can be allocated to deal with the complaint in the first instance.
- 3.2 If Local Governing Body members or Vine Central Staff are involved in a complaint at an early stage they must be made aware of the procedure to be followed for complaints and not act unilaterally outside the formal procedure.
- 3.3 If a parent or pupil felt that their initial contact with a member of staff did not deal with the concern to their satisfaction, they should complete a Complaints Form (Appendix B) and return it to the Headteacher or Chair of the LGB (if the complaint refers to the Headteacher) (contact details are available in confidence from the school office). If the complaint concerns the Local Governing Body then the form should be returned to the Diocese of Chelmsford Vine Schools Trust (contact details can be obtained in confidence from the school office).
- 3.4 In summary the procedure is divided into three stages:
  - 3.4.1 **Stage 1** aims to resolve the concern through informal contact at an appropriate level within the school.
    - Contact the school and raise the concern with the appropriate member of staff. This will normally be the class teacher.

- We will record your concern and ensure that appropriate person (if it not the person who have raised the concern with) is in contact with you as soon as possible.
  - We will investigate your concern and keep you informed.
  - If you are not happy with how a concern has been resolved you may raise a formal complaint at stage 2.
- 3.4.2 **Stage 2** is the formal complaint stage at which written complaints (either by letter or by completing appendix B) are considered by the Headteacher or designated Governor.
- Your written complaint should be addressed to the Headteacher. If your complaint concerns the Headteacher personally your complaint should be sent, via the academy, to the Chair of the Local Governing Body.
  - We will acknowledge your complaint as soon as possible after it has been received. This will usually be within 3 working days.
  - As part of our consideration of your complaint we will normally want to meet with you to discuss the complaint and fill in any details. If you wish, you can ask someone to accompany you to provide you with support.
  - The Headteacher or Chair of the Local Governing Body may also be accompanied by a suitable person.
  - Following the meeting we will investigate as required. This may involve talking to witnesses and taking statements.
  - If the complaint is against a member of staff, it will be dealt with under our internal confidential procedures as required by law.
  - The Headteacher or Chair of the Local Governing Body will keep written, signed and dated, records of all meetings, telephone conversations and related documentation.
  - Once we have established the relevant facts we will send you a written response to your complaint. This will give a full explanation of the decisions and the reasons. If follow up action is needed we will indicate what we are proposing. We may invite you to a follow up meeting to discuss this letter.
  - If you are not satisfied you may progress to stage 3.
- 3.4.3 **Stage 3** involves a formal hearing by the Local Governing Body complaints review panel and may be enacted once stage 2 has been worked through.
- If your complaint has been through stages 1 and 2 and you are not happy with the outcome, following a written request, a complaints panel will be established.
  - The purpose of this arrangement is to give your complaint a hearing in front of a panel of Governors who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.
  - The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent/carer. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.
  - The process for this is set out under point 5 below.

## 4. Resolving Complaints

- 4.1 We will always work with the complainant to resolve all complaints, to every ones satisfaction, at the earliest possible stage.
- 4.2 There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If we have done everything we can in response

to a complaint it is a poor use of time and resources to reply to repeated letters, emails or telephone calls making substantially the same points.

- 4.3 If a complainant tries to re-open the same issue, the Chair of the Local Governing Body can inform them that the procedure has been completed and that the matter is now closed. If the complainant contacts the academy again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the academy may choose not to respond.
- 4.4 Therefore, in cases where an academy is contacted repeatedly by an individual making the same protracted points we may need to close the complaint.
- 4.5 However, the academy must not mark a complaint as 'serial' before the complainant has completed the procedure.

## 5. Complaints Appeal Panel

- 5.1 If necessary, the Chair of the LGB will convene a Complaints Panel (Appendix C) consisting of three members who should not have been involved in the early stages of the complaint at least one member of the panel will be independent of the management and running of the academy (they will elect their own Chair). A Clerk will be appointed to the panel who will set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible. They will aim to arrange for the panel meeting to take place within **20 working days**. They will collate any written material and send it to the parties in advance of the hearing, meet and welcome the parties as they arrive at the hearing, record the proceedings and notify all parties of the panel's decision.
- 5.2 This Complaints Panel is the last academy based stage of the complaints process. Individual complaints will not be heard by the whole LGB as this would compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
- 5.3 It is important that the appeal hearing is independent and impartial and that it is seen to be so. No member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, members need to try and ensure that it is a cross-section of the categories of members and sensitive to the issues of race, gender and religious affiliation. At least one member of the panel will be independent of the academy's LGB.
- 5.4 The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. The panel chair will ensure that the proceedings are as welcoming as possible. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- 5.5 The chair of the panel needs to ensure that the complainant is notified in writing of the panel's decision, with the panel's response; this is usually within a set deadline agreed at the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. In the event that the complainant does not feel that their complaint has been dealt with to their satisfaction by the academy they may contact the Clerk to the Board of

Directors at the Academy Trust. Contact details may be obtained from the school office at any time.

- 5.7 The clerk will ask you whether you wish to provide any further written documentation in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
- 5.8 The clerk will explain that you may wish to attend the meeting of the complaints review panel and that, if you wish, you may be accompanied to this meeting.
- 5.9 The headteacher will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
- 5.10 The clerk will inform you, the executive headteacher, any relevant witnesses and members of the panel by letter, at least five working days in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.
- 5.11 With the letter, the clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit further written evidence to the panel.
- 5.12 The letter will explain what will happen at the panel meeting and the clerk will also inform you that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
- 5.13 With the agreement of the chair of the panel, the headteacher may invite members of staff directly involved in matters raised by you to attend the meeting.
- 5.14 As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
- 5.15 In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the executive headteacher and yourself within **two weeks**. All participants other than the panel and the clerk will then leave.
- 5.16 The panel will then consider the complaint and all the evidence presented in order to:
  - reach a unanimous, or at least a majority, decision on the complaint;
  - decide on the appropriate action to be taken to resolve the complaint;
  - recommend, where appropriate, to the local governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
- 5.17 The clerk will send you and the executive headteacher a written statement outlining the decision of the panel within **two weeks**. The letter will explain what further recourse, beyond the local governing body, is available to you.

## 6. Time Limits

- 6.1 Complaints need to be considered, and resolved, as quickly and efficiently as possible and within realistic time limits that may be set by the appointed member or Headteacher and agreed by the complainant.

## 7. Review of Complaints

- 7.1 The LGB will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The Headteacher will report any official complaints in the Headteacher's Report to the LGB
- 7.2 As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to academy improvement. When individual complaints are heard the local governing body may identify underlying issues that need to be addressed. The monitoring and review of complaints by the academy and the local governing body will be a useful tool in evaluating the academy's performance.

## 8. Publishing the Procedure

- 8.1 There is a legal requirement for this Complaints Procedure to be publicised. Each Academy will include this information on the school website. A copy will also be included in the Policy File held in the school office.

## 9. Other Sources of Information and Advice

- 9.1 If your concern is about an aspect of special educational needs and disability provision, which might include information about relevant voluntary organisations and support groups in Essex, you might like to talk to the Essex Parent Partnership team on their helpline: 01245 436036.

## 10. The Role of the Education Funding Agency

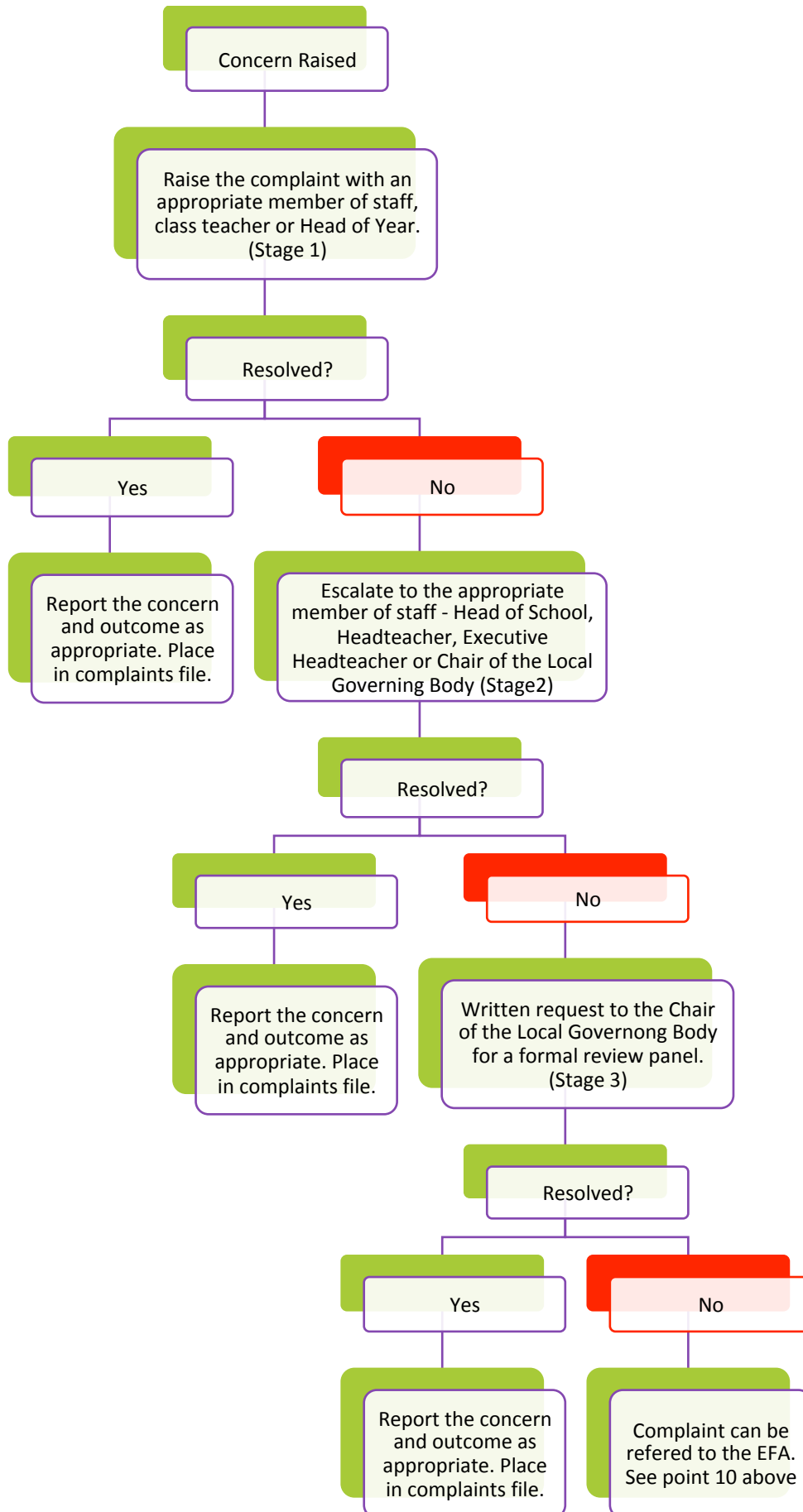
- 10.1 If a complaint comes to the EFA they will check whether the complaint has been dealt with properly by the academy. The EFA will consider complaints about academies that fall into any of the following three areas:
- 10.1.1 Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
  - 10.1.2 Where the academy is in breach of its funding agreement with the Secretary of State.
  - 10.1.3 Where an academy has failed to comply with any other legal obligation
- 10.2 The EFA will not overturn an academy's decision about a complaint. However, they find an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.
- 10.3 EFA complains can be submitted by following the link  
[https://form.education.gov.uk/submitform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMSG=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMSG=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

## **11. Review**

- 11.1 There will be an annual review of this policy by the Trust Board.
- 11.2 The next review will be Spring 2020



## Appendix A



## Appendix B

All academies must have a complaints procedure. This must meet the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7.

The Regulations set out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.

### COMPLAINTS FORM

Please complete and return to the Headteacher/Chair of Governors who will acknowledge receipt and explain what action will be taken.

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.

(Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

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

Signature:

Date:

### Complaints Appeal Panel Procedure

The complaints panel will consist of 3 trust appointees who have no prior knowledge of the case. At least one member of the panel will be independent of the management and running of the academy (they will elect their own Chair). The panel will have a clerk who shall play no part in the decision making process.

The complainant should submit the details of their concerns, in writing, to the clerk. The clerk will seek similar written responses from the school. These should be received from both parties 10 days before the hearing and shared with both parties 5 days before the hearing.

The complainant (who may be accompanied by a friend if they wish) and representative(s) from the school (who may also be accompanied by workplace colleagues or representatives from their professional associations) will be invited to attend the panel hearing in order to clarify the matter.

The panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will do so separately.

- The panel chair makes the introductions and outlines the proceedings. The chair of the panel has the discretion to adjourn the hearing where new information is introduced – or for other reasons.
- The complainant is invited to explain the complaint, followed by their witnesses.
- The panel may question both the complainant and their witnesses.
- The complainant is asked to sum up the complaint.
- The headteacher is then invited to explain the school's action and be followed by any school witnesses.
- The panel may question both the headteacher and the witnesses.
- The headteacher is asked to sum up the school's action and response to the complainant.

The panel may also have access to the records kept of the process followed.

The complainant and the school representative(s) will be informed in writing of the outcome, usually within 5 school days of the panel meeting.

The governing body panel is the last school-based stage in the complaints process. The diocese of Chelmsford Vine Schools Trust have no further complaints procedures.