

Whitby Heath Primary School

Excellence in a Caring Community



Complaints Procedure

Policy Written	September 2020
Reviewed & Agreed by Governors	September 2020 Updated January 2021
Next Review	September 2023

Handling Complaints During the Covid-19 Outbreak

In light of the Department for Education updating the guidance for school complaint policies, please note that we will endeavour to respond to your complaint in accordance with our usual complaints policy and procedure. If your complaint relates to remote education provision, please clearly mark it as such.

Due to the Covid-19 pandemic, it may not always be possible to adhere to our usual processes and timescales. If we have to deviate from our published policy please be assured you will be kept fully informed as to the reason why and, the timescale within which you can expect a response to your complaint.

Our policy states we may invite you into the school to meet and discuss the complaint you have raised, please be aware that this meeting will have to take account of the relevant restrictions and social distancing guidance that is in place at that time. It may therefore be that the matter is discussed by exchange of correspondence, over the telephone or via video call as an alternative. This would be done in full consultation with you.

Complaints Procedure

1. Introduction

We aim to make our complaints procedure easily accessible and well published. Our policy is clear and transparent this will enable complaints, depending on the gravity and complexity, to be dealt with efficiently and as quickly as possible.

This policy has been developed using DfE guidelines and in line with Cheshire West and Chester's Guidance Notes on School Complaints Procedure . The policy has been agreed by whole staff and approved and ratified by Whitby Heath Primary School Governing Body.

2. Scope of the Procedure

This procedure covers all complaints against the school by parents/carers, external persons/parties which do not have an alternative statutory avenue of appeal or complaint. There are certain complaints which fall outside the remit of the GBs complaints procedure, for example, staff grievances or disciplinary procedures.

The Governing Body expects parents to raise a concern as soon as possible after an incident arises, or within 6 months, unless there are exceptional circumstances.

3. General Principles

Complainants should be kept informed during the investigation of their complaint and of the outcome, except where this is confidential, e.g. in the case of a staff disciplinary process. Every effort should be made to resolve complaints in a non-confrontational and informal way.

The timescales within this procedure should be adhered to as far as is reasonable/practicable. Where this is not possible the complainant should be informed, within the specified timescale, as to why this is the case, and given a revised timescale for dealing with the complaint.

Governing Bodies should ensure that they have appropriate arrangements for recording complaints and the way in which they are resolved. Further, that they will regularly (at least annually), monitor the nature and level of complaints, so as to best ensure the effectiveness of the procedure, and consider any underlying issues the school may need to address, including whether specific actions identified as outcomes of complaints have been addressed.

Advice on the operation of the procedure may be sought from external sources if deemed appropriate.

Resolving Complaints

At each stage in the procedure, schools will want to consider the ways in which a complaint can be resolved. It may 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.

At each stage complainants should be asked to state what actions they feel might resolve the issue. An admission that the school could have handled the situation better is not the same as an admission of negligence.

5. Frivolous or Vexatious Complaints

The Office of the Independent Adjudicator has defined frivolous or vexatious complaints as follows:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious;
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- Insistence upon pursuing meritorious complaints in an unreasonable manner;
- Complaints which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value.

An 'unreasonable manner' may include situations where the complainant's frequency of contact with the school hinders the consideration of the complaint and/or impedes the ability of the Headteacher and school to meet the needs of all pupils equitably.

Where the Headteacher, and/or Chair of Governors, judges a complaint to be frivolous or vexatious, having considered all the relevant circumstances, s/he should take appropriate action which may include rejecting the complaint and/or restricting contact between the complainant and the school.

The Headteacher or Chair of Governors as appropriate should write to the complainant and explain this decision and the reasons for it, and what action will follow.

Where a complainant seeks to reopen a matter the same as, or similar to, a matter previously considered under the procedure, the Chair of Governors has the right to inform him/her that the procedure has been exhausted and the matter is closed.

6. Stages of the Procedure

Many concerns and minor complaints can be resolved quickly and informally. There are many occasions where issues are resolved immediately through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort should be made by the school to have a full discussion with the complainant before moving into the stages of this procedure.

If the complaint is not resolved informally then the following process will be applied:

First Stage

If the complaint is not resolved through such discussion with the class teacher/other staff member, the complainant should contact the Headteacher. The Headteacher will arrange a meeting and following this discussion may request that the complaint is put formally in writing.

A meeting will be arranged with the complainant to discuss concerns within ten working days of receiving the complaint, or as soon as is reasonably practicable. Where necessary the Headteacher, or other nominated member of staff, should carry out a full investigation into the issues raised. The Headteacher will give a written response to the complainant as soon as possible but, in any case, within ten working days of this meeting. Where the complainant refuses the offer of a meeting this response should be made within ten working days of the receipt of the written complaint. Where the complainant is dissatisfied with this response, the complainant should move to the next stage of this procedure.

Where the complaint is against the Headteacher, the chair of governors, another governor or the Governing Body as a whole, the complaint will move straight to the second stage of the procedure.

Second Stage

If the complaint cannot satisfactorily be resolved in the first stage of the procedure, the complainant should put their complaint in writing to the Chair of Governors (or Vice Chair/ nominated governor where the complaint is against the Chair of Governors), which may be by letter or email, via the school. The Chair/Vice Chair/nominated governor should offer to meet with the complainant to discuss his/her concerns within ten working days of receiving the complaint, or as soon as is reasonably practicable after this.

The Chair/Vice Chair/nominated governor will review the investigation and Headteacher's decision and may confirm this decision or reach a different decision. The governor may choose to reinvestigate the complaint in whole or in part. The governor may take advice initially from the suitable external sources.

The Chair/Vice Chair/nominated governor will communicate his/her response in writing to the complainant as soon as possible but, in any case, within ten working days of the meeting. Where the complainant refuses the offer of such a meeting the governor will inform the complainant of the outcome of the investigation within ten working days of receipt of the written complaint or as soon as is reasonably practicable afterwards.

Where the complainant is dissatisfied with this response the complaint should move to the appeal stage of the procedure.

Appeal Stage

If the complainant wishes to appeal against the decision made at stage 2 s/he must indicate his/her intention to do so within ten working days of receipt of the outcome of stage 2.

The complainant should do this by sending a written appeal to the Chair of Governors, either by letter, or, where the complaint is against the Chair, to the nominated governor. This should state the original complaint and the reasons for on-going dissatisfaction. The Chair of Governors, or nominated governor, may decline to accept a complaint into the Appeal Stage where s/he, acting reasonably, believes that the complaint has been upheld in full at stage 2 and in all the circumstances there is no merit in the matter proceeding further.

The Chair of Governors will contact the appeals panel and notify them of the appeal.

The governors' panel should be convened, consisting of three governors who have had no previous involvement in consideration of the complaint. Where the complainant is a parent, governors may wish to consider the possible advantages of this panel including a parent governor. A complaints appeal meeting will be held in accordance with the procedure attached as Appendix A.

The meeting of the governors' panel should take place as soon as possible, but in any case a date should be set and communicated to the complainant within twenty working days of receipt of the appeal. The governors' decision should be communicated in writing to the complainant as soon as possible but, in any case, within five working days of the meeting. The complainant will have no further right to appeal this decision within the school.

7. Opportunities to Request a Review

Complaining to the Secretary of State

If a complainant believes that the Governing Body has acted unreasonably s/he can complain in writing to the Secretary of State for Education. Complaints to the Secretary of State regarding maintained schools are handled by the Department for Education. In the case of academies the Secretary of State's responsibility to consider complaints is dealt with by the Education Funding Agency.

Complaining to Ofsted

Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school.

Before complaining to an external body it would be expected that all stages of this procedure had been exhausted.

APPENDIX A

Conduct of Complaints Appeal Meetings

The purpose of the appeals meeting is to consider the complaints that have been expressed in the earlier stages of this process. Any evidence or further complaints that have not been shared with the Headteacher / investigating governors will not be considered in the appeal.

- 1 The Governing body will elect a panel of 3 members to hear the appeal. This panel will decide on which member is to chair the panel and also appoint a Clerk and advisor. The Chair of the investigating panel will send all documentation to the Clerk for distribution to relevant parties.

Although this procedure may appear formal, the hearing should be conducted in as informal a way as possible, and the Chair of the panel should make every effort to make all parties feel comfortable.

- 2 A suitable venue must be provided for the meeting which includes separate waiting areas for the two parties involved.
- 3 The date and time of the meeting must be agreed with all parties and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting. Both sides must provide names of any witnesses to be called at least five working days in advance of the meeting, and the nature of the evidence which they will be providing. The panel has the discretion not to admit a witness if they do not consider their evidence to be relevant to the complaint.
- 4 Submission of additional documentation will not be allowed.
- 5 The meeting should be minuted.
- 6 The meeting should be attended by:
 - the complainant
 - the appointed panel of governors to hear the appeal.
 - The Headteacher and/or Chair of Governors
 - Governors involved in the investigation process at stage 2.
 - Minute taker
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This can be supported by:

- The complainant's companion (who cannot be a witness)

- Advisor to Headteacher and/or Chair of Governors
 - Advisor to the Governors Panel.
- 7 Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the governors.
 - 8 There will be no audio or visual recording of the proceedings by any party but a copy of the minutes of the meeting, once approved, will be shared with all parties.
 - 9 The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
 - 10 The complainant (or his/her companion) will outline his/her complaint and explain why s/he is dissatisfied with the school's response to date. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
 - 11 The Headteacher and the original governors who investigated at stage 2 will have the opportunity to ask questions of the complainant / witnesses.
 - 12 The governors appointed to the appeals panel will then have the opportunity to question the complainant or the witnesses.
 - 13 The Headteacher and/or the investigating governors will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Headteacher and/or investigating governors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
 - 14 The complainant will have the opportunity to ask questions of the Headteacher and/or the investigating governors.

The governors appointed to the appeals panel will then have the opportunity to question the headteacher and /or investigating governors.
 - 15 Both parties will be given the opportunity to sum up their statements, ending with the complainant.

- 16 The appeals panel may decide to adjourn the hearing pending further investigation at any stage, if necessary.
- 17 Both parties will leave the meeting and the appeals panel will consider the information that has been put to them. The clerk will remain for this part of the meeting in order to clarify anything if necessary, but the governors' deliberations will not be minuted. If the appeals panel have appointed a separate advisor in addition to the minute taker, this person will also remain in the meeting.
- 18 The governors' panel must reach a majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the governors will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.
- 19 The governors will communicate their response to all parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The governors' response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which governors arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school.