

SCHOOL COMPLAINTS PROCEDURES



Capenhurst C.E. (Controlled) Primary School

Headteacher: Claire Green

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CAPENHURST C.E. (CONTROLLED) PRIMARY SCHOOL

Head Teacher: Mrs Claire Green

Chair of Governors: Mrs Pat Mitchell

Rationale

Under section 29 of the Education act 2002, governing bodies of all maintained schools in England have been required to have in place a procedure to deal with complaints relating to the school. The law requires the procedure to be published. Any member of the general public may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). There is a difference between a concern and complaint.

Dealing With Complaints – Initial Concern

At Capenhurst we believe that it is in everyone's interest that complaints are resolved at the earliest possible stage. Taking informal concerns seriously will reduce the number that develop into formal complaints and can usually be resolved by discussions with Class Teachers. Initial concerns, resulting action and resolutions will be noted by class teachers and agreed with parents. A time scale for feedback will be agreed when the concern is noted.

The use of social media – advice and comments

Social media websites are increasingly being used as a media for complaints against schools, their staff and other parents and families. Capenhurst CE Primary School considers the use of social media websites in this manner as inappropriate and unacceptable. Complaints made this way are not in the best interests of the children or whole school and wider community. Any concerns that you may have must be made through the appropriate channels as outlined in this policy and as general good manners.

In the event of any pupil, parent, carer or family member of a child/ren being educated at Capenhurst is found to be posting libellous or defamatory comments on Facebook or other social network sites, appropriate steps will be taken to report and remove the comment. All social network sites have clear rules about the content that can be posted on their site and they provide robust mechanisms to report activity or content which breaches this.

In serious cases school will also consider its legal options to deal with any such misuse of social networking and other sites. We take all incidents of bullying seriously both against pupils and staff, the misuse of social networking to voice concerns or complaints is a form of cyber bullying.

Dealing With Complaints – Formal Complaints Procedure

Formal procedures will be invoked when initial attempts to resolve issues are unsuccessful and the person raising the concerns remains dissatisfied and wishes to take the matter further.

Complaints can be raised in writing, by emails, in person or by telephone.

Stage 1 – Complaint heard by Staff Member

Action:

- Complaint recorded using school's complaint form (Appendix 1) by the complainant – this must be returned to school within 14 days or the matter is to be considered closed.
- Clarification of who will be involved and what will happen
- Confirm what the complainant feels would put things right
- Agreed time scale for response set at meeting – within 7 working days
- Complaints Co-ordinator (headteacher) informed

Additional Notes:

If the complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff the Complaints Co-ordinator will refer the complaint to another member of staff.

If the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complainant to another member of staff.

Where the first approach is made to a Governor the complainant will be referred to the appropriate person who will advise them of the procedure.

Stage 2 – Complaint heard by Head Teacher

Action:

- Head Teacher acknowledges complaint in writing and sends / gives complaint form to complainant within 2 working days
- Head Teacher meets with / contacts complainant within 7 working days to:
 - Clarify the nature of the complaint
 - Clarify who will be involved and what will happen
 - Confirm what the complainant feels would put things right
 - Agree time scale with complainant to respond to complaint following investigation
- Head Teacher informs complainant of the outcome of investigation of the complaint within the agreed time scale.

Where the complaint is about the headteacher the complainant is encouraged, in the first instance, to discuss the matter with the headteacher. Where this is not successful, or the complainant feels the situation is of a serious enough nature, then the complaint is to be addressed with the chair of the board of governors. If the complainant feels that an agreeable resolution has not been found then they should progress to Stage 3.

Stage 3 – Complaint heard by Governing Bodies Complaint Appeal Panel

The complainant writes to the Chair of Governors via the school office addressing the letter to the clerk to governors (name will be supplied by the school office at the time of the complaint) giving details of the complaint.

The governing body must consider all written complaints **within 21 school working days** of receipt.

Action:

- The Chair of Governors acknowledges receipt of complaint
- The Chair, or nominated Governor, convenes a Governing Body Complaints Panel who will then follow the ‘Panel Procedures’ as indicated in Appendix 2

Additional Notes:

Decisions must have a clear rationale/reasons which are declared.

The whole Governing Body will not hear individual complaints at any stage.

Complaint about Governors

Where a complaint is raised about a member of the governing body, this should be raised with the clerk through the school office. The clerk should then arrange for the complaint to be heard by a suitably skilled and impartial member of the governing body. If unresolved then a committee of members of the governing body will be convened and they will follow the procedure detailed in appendix 2.

Complaints against the entire governing body or complaints involving both the chair and vice chair should also be sent to the clerk, who should then determine the most appropriate course of action. This will depend on the nature of the complaint. This may result in either sourcing an independent investigator or using co-opted governors from other schools to hear the complaint if it remains unresolved. If appropriate, the clerk could ask for support from the governor services team at the local authority or the diocese (if a faith school)

Appendix 3 contains general guidance on the investigation and resolution of complaints that can be applied at any stage of this procedure.

Matters Outside the Scope of the School Complaint Procedure

The **exceptions** listed below have separate (statutory) procedures to be followed if they are the subject of a complaint.

Exception	Who to Contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs (SEN)• School re-organisation proposals• Matters likely to require a Child Protection Investigation	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for

	maintained schools are dealt with by the Local Government Ombudsman.
<ul style="list-style-type: none"> • Exclusion of children from school 	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
<ul style="list-style-type: none"> • Whistleblowing 	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	Providers should have their own complaints procedure to deal with complaints about

Complaints Regarding Religious Education or Collective Worship

Informal Stages Concerns expressed by parents and others should be dealt with, as far as possible by informal discussions with teachers and the headteacher. At this stage the LA could be involved in trying to resolve the issue informally.

Formal Stages

- a. If the concern is not resolved at the informal stage then it becomes a complaint and is considered by the GB of the school or a panel thereof.
- b. If the concern is not resolved by the GB then the complainant may approach the SACRE and ask them to investigate the matter with the school.

In the event the complainant and/or SACRE remain dissatisfied with the school's response to the complaint then either may refer the matter to the Secretary of State for consideration. If the matter has not already been through a SACRE investigation the Secretary of State may ask that they investigate.

Cheshire West and Chester Standing Advisory Council on Religious Education (SACRE)

What is a SACRE?

The SACRE is the Standing Advisory Council on Religious Education. Its main function is to advise the local authority on matters related to collective worship in community schools and religious education in accordance with the agreed syllabus.

Where to find help

- **Clerk to Cheshire West and Chester Council SACRE – Alison Williams,**
Email: alison.williams@cheshirewestandchester.gov.uk
- **Religious Education Adviser - Jane Brooke**
Email: scrolls2@btinternet.com

Why is there a SACRE?

In 1944, when religious education became a compulsory subject on the curriculum, local authorities were given the power to set up SACREs in order to decide what was taught in RE (also called religious instruction, religious knowledge, scripture or divinity). When the 1988 Education Act confirmed religious education as part of the basic curriculum, it became a duty for every local authority (LA) to appoint a SACRE. Religious education is the only compulsory subject in schools which remains locally determined.

What are the duties of a SACRE?

SACRE 's main duty is to advise the local authority on religious education and collective worship for the schools within its remit.

SACRE should also:

- Require the local authority to review its agreed syllabus every five years
- Consider requests from schools to be released from the requirement to provide collective worship that is wholly or mainly of a broadly Christian character (a determination)
- Publish an annual report of its work
- Monitor the provision and quality of the agreed syllabus, and of collective worship
- Meet in public, unless confidential information is to be disclosed
- Record minutes of all meetings
- Provide advice and support on teaching the agreed syllabus

General Notes

Time Limits

Complaints will be considered and resolved quickly and efficiently within the time limits stated in the Complaints Procedure, wherever possible. However, where further investigations are necessary, new time limits will be set and the complainant sent details of the new deadlines and an explanation for the delay.

Serial and Persistent Complaints

It is hoped that the Complaints Procedure adopted by the school will address most of the complaints made. However, there may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, the Chair of the Governing Body will then 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, the complainant may be regarded as serial or persistent and school may choose not to respond.

Before electing to cease correspondence on the matter the school must be confident that:

- It (the school) has taken every reasonable step to address the complainants' needs
- The complainant has been given a clear statement of the school's position and their options (if any)

In addition:

- The complainant is repeatedly contacting the school but making substantially the same points each time
- The school has reason to believe that the complainant is contacting them with the intention of causing disruption or inconvenience (this may have been indicated by the complainant in writing or spoken)
- The correspondence is often or always abusive or aggressive
- The complainant is making insulting personal comments about or threat towards staff

If the decision to stop responding is taken, the complainant must be informed in writing.

If the complainant is unsatisfied at any stage of the procedure, then they can request a review by the Secretary of State.

Contacting the Secretary of State

Department for Education
School Complaints Unit
2nd Floor,
Piccadilly Gate
Store Street
Manchester
M1 2WD

The DfE National Enquiry Line can be contacted on:

Telephone: **0370 000 2288**

Fax: **01928 794248**

Web Site: [www.education.gov.uk/help/contact us](http://www.education.gov.uk/help/contact-us)

Appendix 1

Capenhurst CE Primary School Complaints Form

Please complete and return this complaints form to Mrs Green, who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to 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 and what was the response)?

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

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

Signature:

Date:

Official use only

Date acknowledgement sent:

By whom:

Complaint referred to:

Appendix 2

Capenhurst CE Primary School Board of Governors Complaints Panel Procedure

(to be applied when a complaint has been made about the headteacher or has reached Stage 3 of the school complaints procedure as detailed in the policy)

The governing body must consider all written complaints **within 21 school working days** of receipt.

The chair of the governing body will nominate a governor to co-ordinate the procedure and will appoint a **complaints panel** consisting of 3 governors who are not employees of the school. The nominated co-ordinator will chair the complaints panel.

The co-ordinator will arrange a meeting of the complaints panel to discuss the complaint and will invite the person making it to attend the meeting so that they can explain the complaint in more detail. The school will give the complainant at least five days' notice of the meeting. If the complainant cannot attend the suggested date, a further date will be set. If the complainant does not attend the second date, a third and final date will be set, at which time the meeting will proceed without the complainant present.

The head teacher will write a report addressing the complaint and ensure that the complaints panel members and the complainant receive a copy 4 days before the meeting. (If it is a complaint about the head teacher, the chair of the governing body will write the report).

The complainant is invited to write a report addressing the issue and must ensure that the complaints panel members and the head teacher (or chair of the governing body) receives a copy 2 days before the meeting. Other written evidence will not be accepted at the meeting, except in exceptional circumstances.

Check list for a panel hearing

The panel must take the following points into account:

- the hearing is as informal as possible;
- after introductions, the complainant is invited to explain their complaint (with the support of parent partnership or other advocate if required);
- the panel members and head teacher (or chair of the governing body) may ask questions;
- the head teacher (or chair of the governing body) is then invited to explain the school's actions (with support of senior teacher, SENDCo or other supporter if required);
- the panel members or complainant may ask questions;
- the complainant is then invited to sum up their complaint;
- the head teacher (or chair of the governing body) is then invited to sum up the school's actions and response to the complaint;

- the chair of the panel explains that both parties will hear from the panel within 3 working days;
- both parties leave the meeting while the panel decides on the issues.

When the panel has fully investigated the complaint, the chair of the panel, on behalf of the governing body, will write to the complainant confirming the outcome of the complaint and any agreed action to be taken. 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;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Appendix 3

Investigating Complaints

At each stage, the person investigating the complaint should make 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;
- 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.

Resolving Complaints

At each stage in the procedure we will look for a way 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 should be noted that an admission that the school could have handled the situation better is not the same as an admission of negligence.