



AGATE MOMENTUM TRUST Complaints Procedure

Managing school complaints

1. Background

This procedure is based upon the DfE document “School Complaints toolkit 2014” and the ensuing updates.

The advice in this procedure has been provided to ensure that staff, governors and parents understand their obligations and duties in relation to Section 29, Part 1 of the Education Act 2002) and how school complaints will be dealt with

This advice has been revised to take account of latest guidance, which has been obtained from the DfE website in document “Best Practice Advice for School Complaints Procedures 2016”.

2. Who can make a complaint?

Any person, including members of the public, may make a complaint about any provision of facilities or services that the school provides, unless statutory procedures apply (such as exclusions or admissions). Hallsville Primary School must not limit complaints to parents or carers of children that are registered at the school. However, anonymous complaints will be dealt with under a different procedure.

a) Investigating complaints

At each stage the school will ensure that the person investigating the complaint:-

- Establishes what has happened so far
- Identifies who has been involved
- Understands the nature of the concern or complaint
- Knows what issues remain unresolved
- Have contacted the complainant to establish and clarify information
- Have spoken to or interviewed those involved as required
- Conducts meetings with an open mind and be prepared to persist with questioning and finding the answer
- Keeps accurate records of the complaint including notes of any meetings, discussions and if required arrange for a minute/note taker.

b) Resolving complaints

Hallsville Primary School will acknowledge and register complaints from complainants. The possible outcomes of a complaint will be one or more of the following (this list is not exhaustive):-

- An apology
- An explanation of what actually happened, clarification of the facts
- An admission that the situation could have been handled differently or more appropriately

- An assurance that the event complained of will not reoccur
- 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.

c) Dealing with vexatious complaints

On occasions, despite all stages of the procedures having been followed, the complainant continues to be dissatisfied. If the complainant tries to reopen the same issue, the Chair of the School 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 a new, separate complaint, it must be responded to in accordance with the school complaints procedure.

3. The Stages of a Complaints Procedure

a) Stage 1 – Informal

The complaint is dealt with by the class teacher/family support worker/school business manager (who is not the subject of the complaint).

In the vast majority of cases, a concern can and should be resolved by contacting the member of staff identified above.

The initial communication from the complainant to the member of staff may be by letter, telephone conversation or in person by appointment. The complainant must allow the designated staff member at least 5 days to respond to the concern.

If this does not lead to a resolution of the problem then the concern/complaint must be referred to the next stage of the process which is the commencement of the formal process.

b) Stage 2 – Formal (if unresolved at Stage 1)

The complaint is heard by the Head of School/ Head Teacher. This can only happen if you have been through Stage One, however schools do recognise that some complaints may go straight to the Head of School because of the nature or seriousness of them. The complainant must ensure that they include details of why they are still dissatisfied and what action they would like to resolve the complaint. They can also attach any evidence to support their concerns.

The Head of School or Head Teacher must acknowledge the complaint within 5 days by writing to the complainant. The school office will arrange for you to meet with the Head of School or another senior member of staff, who will investigate the complaint. The school will write to you within 20 days of the meeting, setting out the actions taken to investigate the complaint and the findings. It is hoped that the Decision will satisfy you. However, if you cannot accept what the school says, then go to Stage Three.

Where the Head of School is the subject of the complaint, the complainant should be advised to address it to the Chief Executive Officer. If the complaint is being dealt with by the Chief Executive Officer this will bypass Stage 2 and go to Stage 3 of the formal procedure and heard by the Chief executive Officer or other appropriate person.

The head of School /Head Teacher can delegate another senior member of staff to carry out the investigation and report their findings to them. The Head of School /Head Teacher will then reach a conclusion based on the investigation. All notes relating to the investigation should be kept on file. The investigating officer may feel it necessary to meet with the complainant. If this happens, then notes should be produced of the meeting.

The investigating officer will then compile a report detailing their findings. Any recommendations or actions proposed must be considered by the Head of School/ Head Teacher.

Once satisfied that the investigation has been concluded and a decision has been reached, the Head of School/ Head Teacher must notify the complainant in writing of the conclusion and any actions that will be taken as a result. The decision can be communicated by the Head of School/Head Teacher to the complainant in writing or, if they may feel it appropriate, meet with them first to communicate their findings and then confirm in writing afterwards.

Model letters are attached in Appendices B and C.

The complainant must also be informed if they are still dissatisfied with the outcome they can write to the Chief Executive Officer or other appropriate person outlining why they are still unhappy.

c) Stage 3 – Formal (if not resolved at stage 2)

Contact the Chief executive officer.

The complaint will go to the Chief Executive Officer. This can only happen when you have been through both Stage One and Stage Two of the process. Within 10 working days of getting the head of School's / Head Teacher's decision, you should write to the Chief Executive Officer, care of the school address and either post your letter or hand it in to the school office. The Chief executive officer will acknowledge receipt of your complaint within 5 school days of receiving your letter. They will write to you within a further 20 days telling you how your complaint has been investigated and their findings. This stage should take no more than 25 working days to complete.

The complainant must ensure that they include details of why they are still dissatisfied with the decision, the recommendations and actions of the Stage 2 complaint and what they require to resolve the matter. They may also attach any evidence to support their concerns that can be additional to that submitted at Stages 1 and 2.

d) Stage 4-Formal (if not resolved at Stage 3)

Contact the Chair of the Trust Board.

The complaint will go to the Complaints Panel. This can only happen when you have been through both Stage One, Stage Two and Stage Three of the process.

Within 10 working days of getting the Chief Executive Officer's decision, you should write to the Chair of the Trust Board, care of the school address and either post your letter or hand it in to the school office. The Complaints Panel will review your complaint and they will write to you telling you of their decision. This stage should take no more than 30 school days altogether to complete. One member of the Complaints panel will be independent of the management and running of the school. This means that they will not be a trustee or an employee of the trust.

The panel must convene a meeting to discuss the complaint and all the investigation evidence to make a final decision on how to progress. A clerk should be appointed to take notes of the meeting and records must be kept. A useful checklist for a panel hearing is attached in Appendix E.

- To convene a meeting with the complainant. If a meeting is to be convened, the person chairing the meeting either the Chair or Vice-chair of the Trust Board, will write to the complainant to acknowledge the complaint within 10 school days. The letter would also include the date, time and venue of the convened meeting to hear the complaint.
- Decide on the appropriate action to be taken to resolve the complaint
- For non-complex complaints, not to meet with the complainant, but to use all the information available to them and make a decision on the complaint as there is enough information to allow for a decision to be made.

Possible outcomes for the Panel

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Recommend changes to school systems or procedures to ensure that similar do not occur

An outcome letter will be sent to the complainant within 20 school days of the meeting. A model response letter is attached in Appendix D.

4. Further information

If the complainant is dissatisfied with the process, they are able to contact
Department for Education,
The School Complaints Unit (SCU)
2nd Floor, Piccadilly Gate
Manchester, M1 2WD

The SCU will examine if the school complaints policy and any other relevant processes were followed. The SCU will also examine policies to determine if they adhere to education legislation. However, the SCU will not re-investigate the substance of the complaint and will not overturn a school's decision about a complaint only in exceptional circumstances where it is clear that a school has acted unreasonably or unlawfully.

Appendix A
Complaint Form

Please complete and return to (named person or school office) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Daytime 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 as this stage?

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

Signature:

Date

OFFICIAL USE

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Model letter - Complaint not heard

Dear ,

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the School Complaints Procedure as. The reason for this is that:

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may take advantage of (Stage 3 / Stage 4) of the procedure by writing to the Clerk to the Governing Body, care of the school.

Yours sincerely,

Head Teacher
or Chair of Governing Body

Model letter – Decision notification

Dear ,

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- The concern is not substantiated by the evidence in that

OR

- The concern was substantiated in part/in full, as The school will review its practices/procedures..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely,

Head Teacher / Chair of Governors/Trust Board

c.c. Head Teacher

Model letter – Review outcome

Dear ,

Having carefully considered your representations in the context of the relevant evidence, the School Complaints Committee has concluded that the Complaints Procedure was followed appropriately in respect of your complaint in that

Therefore, the matter is now closed as far as the school is concerned.

Or

Having carefully considered your representations in the context of the relevant evidence, the School Complaints Committee has concluded that the Head Teacher followed the Complaints Procedure except

Therefore, the following action will be taken

Once this action has been completed the school will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the School Complaints Committee has concluded that the Head Teacher followed the General Complaints Procedure except that

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of Complaints Committee

c.c. Head Teacher

Checklist for a panel hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint and be followed by their witnesses.
- The head teacher may question both the complainant and the witnesses after each has spoken.
- The head teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the head teacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The head teacher is then invited to sum up the school's action and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

The process set out above is based on the Head Teacher and complainant being present at the same time. There are occasions where this is not the appropriate arrangement in order to ensure a fair and full consideration of the case. In such cases it is likely that the complaint will be seen first and the Head Teacher at a later stage. At the separate meeting with the complainant, the principles set out above should be followed.