

Chacombe CEVA Primary Academy
Complaints Policy

Rationale

At Chacombe CEVA Primary Academy we to ensure that stakeholders feel able to raise concerns at that these will be addressed in a professional, timely and sensitive manner. We believe that the vast majority of concerns and complaints can be resolved informally, by approaching the appropriate person. This can be done by arranging an appointment, via email or telephone.

Our complaints procedure has three stages: -

1. Initial Approach (informal)
2. Formal Complaint
3. Appeal (to Governor Committee)

Stage 1 – INITIAL APPROACH

A preliminary discussion with a member of staff.

Complaints and concerns regarding the progress, learning and care of a child

In the first instance parents should always approach their child's class teacher as they are best placed to deal with a concern.

Complaints and concerns regarding policy, procedure, a member of staff or volunteer

In the first instance stakeholders should always approach the Headteacher.

Complaints or concerns regarding the Headteacher or a member of the Governing Body

In the first instance stakeholders should always approach the Chair of Governors.

PROCEDURE

1. Stakeholders have the opportunity for informal discussion of their concerns with an appropriate member of staff; if it is a class teacher then this is usually after school. This discussion should aim to clarify the nature of the concern and assure them that our school wishes to hear about it. A way forward will be verbally agreed with stakeholders and a time/date to discuss what has happened since the concern or complaint was raised.
2. If the member of staff first contacted cannot deal with the matter immediately, that staff member should make a firm arrangement to deal with it at a future date or refer the matter to the Headteacher. In either case a note of the name, date and contact details of the complainant should be taken. The first contact should check to make sure the referral has been successful.
3. Staff have been given verbal guidelines about when to refer a matter to the Headteacher.
4. If no satisfactory solution is found, the complainant will be informed about how they should proceed if they wish to take their complaint further. They will be informed of any advice and support that may be available to them.
5. If the complaint is referred, or comes directly, to the Headteacher, the Headteacher will make notes of the discussion and may clarify the discussion and action taken by letter. This will be kept in the office: action taken as an outcome of the meeting will be shared with the class teacher / Governors when appropriate.

Stage 2 – FORMAL COMPLAINT TO HEADTEACHER OR CHAIR OF GOVERNORS

GUIDELINES

- The Headteacher will determine who has responsibility for responding to a formal complaint, including the decision about their own involvement at various stages.
- If the complainant is dissatisfied with the action of the Headteacher, or the Headteacher has been very closely involved informally, the Chair of Governors will carry out all the Stage Two procedures, with support if necessary from another Governor.

- *Individuals on the Governing Body will not become involved at this stage to avoid prejudicing their possible future involvement.*

PROCEDURE

1. *Stakeholders who wish to pursue a formal complaint at Stage Two will be asked to put the complaint and their desired outcome in writing to the Headteacher or Chair of Governors. **The Chair of Governors/Headteacher will acknowledge the complaint in writing within three days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this will be within ten days. If it is not possible to deal with the matter in this time, the complainant will be informed of when it is likely to be concluded.***
2. *The Chair of Governors/Headteacher may offer an opportunity for the complainant to meet him/her. The complainant will, if she/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities will be made available if required.*
3. *If necessary, the Chair of Governors/Headteacher will interview any witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil will also be interviewed, normally with the parent consent. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the pupil feels comfortable will attend with him/her. If a member of staff is complained against, the needs of that person will be borne in mind.*
4. *The Chair of Governors/Headteacher will keep written records of meetings, telephone conversations and other documentation.*
5. *Once all the relevant facts have been established, the Chair of Governors/Headteacher will either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting will be followed up with a letter summarising the outcome of the meeting. The complainant will be advised in this letter that if they remain unhappy with the outcome, s/he may appeal to a panel of Governors. **The complainant will notify the Chair of Governors within two weeks of receiving the letter detailing the outcome of the complaint should they wish to appeal.***

Stage 3 – APPEAL TO PANEL OF GOVERNORS

GUIDELINES

- *Complaints only rarely reach the appeal stage, but it is important that Governing Bodies are prepared to deal with them. At this stage, the Chair of Governors may wish to seek advice.*
- *The aim of the appeal to a panel of Governors is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.*
- *It is important should a complaint reach the appeal stage, that the Governing Body is impartial and independent and is seen to be so. Individual complaints will not be considered by the full Governing Body. The Governing Body will therefore establish a panel to deal with complaints, by nominating a pool of Governors from which three can be drawn for any hearing.*
- *Panel members will have had no prior involvement with the complaint. Generally, the Chair of Governors is not on the panel as s/he may be involved at any earlier stage. The Governing Body will have regard to the advantages of having a mix of types of Governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel.*
- *Individual Governors will not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual Governors are approached by stakeholders or others with complaints, they will refer the complainant to the schools complaints procedure, making the necessary introduction to a member of staff or Headteacher if appropriate.*
- *Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the Governing Body to view*

any complaint as being against the school rather than an individual staff member whose actions may have lead to the original complaint.

PROCEDURE

Upon receipt of a written request from the complainant for the complaint to proceed to Stage Three, the following procedure will be followed. A suitable clerk to the panel will be appointed.

- 1. The clerk will write acknowledging receipt of the written request, informing the complainant that it will be heard by a committee of the Governing Body within 15 working days of receipt.*
- 2. The clerk will convene a meeting of the complaints committee at a time which is convenient for the complainant and the school.*
- 3. The clerk will ensure that the complainant, Headteacher and any other witnesses are given at least five working days notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant will also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The chair will ensure that interpretation facilities for the hearing are offered and made available if required. The letter will set out the procedure for the conduct of the hearing and the complainant's right to submit further written evidence to the committee.*
- 4. The clerk will invite the Headteacher to attend the hearing and to submit a written report for the committee in response to the complaint. The Headteacher may also invite the Chair of Governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff will be at the discretion of the chair of the committee.*
- 5. All relevant documents will be received by all parties, (including the complainant) at least five working days before the meeting of the panel, providing adequate opportunity to read them prior to the start of the meeting.*
- 6. The panel will elect a chairperson who will ensure that proper minutes of the meeting are taken.*
- 7. The chair of the panel will try to ensure that the proceedings are clear and that the complainant and other participants feel at ease.*
- 8. At the conclusion of the representations and questions, the chair will explain that the panel will consider the issues and write to both.*
- 9. All except for the Governor's panel and any advisers will then withdraw and the panel will consider the evidence. This will include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or parent; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.*
- 10. The school will ensure that a copy of all correspondence and notes is kept confidentially on file in the school. This will be separate from pupils' personal records.*
- 11. The broad outcomes recommended by the panel can be reported to the next full Governing Body or appropriate committee with the identity of all those taking part kept confidential. The Governing Body will monitor implementation of the recommendations.*

Anonymous Complaints

An anonymous complaint will not be investigated unless there are exceptional circumstances. These include:-

- Child protection issues*
- Bullying allegations*
- Where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.*

Spurious complaints

The headteacher and Governing body are fully committed to the improvement of our school. We welcome feedback from stakeholders and will always try to resolve any concerns as quickly as possible. Sometimes, however, stakeholders pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, harassing or unreasonably persistent complainants.

What does the school expect of any person wishing to raise a concern?

The school expects anyone who wishes to raise concerns with the school to:

- *keep details of complaints made confidential.*
- *treat all members of the school community with courtesy and respect*
- *respect the needs of pupils and staff within the school*
- *avoid the use of violence, or threats of violence, towards people or property*

What do we mean by ‘an unreasonably persistent complainant’?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner. Unreasonable behaviour may include:

- *actions which are out of proportion to the nature of the complaint*
- *persistent – even when the complaints procedure has been followed and action taken.*
- *personally harassing*
- *unjustifiably repetitious*
- *an insistence on pursuing unjustified complaints*
- *requesting unrealistic outcomes to justified complaints*
- *an insistence on pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language*
- *making complaints in public*
- *refusing to attend appointments to discuss the complaint.*
- *refusing to engage with the procedure detailed in the policy that allows the complaint to be addressed once made.*

What is ‘harassment’?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution. Behaviour may fall within the scope of this policy if:

- *it appears to be deliberately targeted at one or more members of school staff or others*
- *the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress*
- *it has a significant and disproportionate adverse effect on the school community.*

In the rare instance when the above may apply, Governors will take necessary steps to protect staff, Governors and Volunteers and may include taking further action under the following as appropriate:-

The Education Act 1996, Section 547

The Local Government Act 1972, Section 222

Protection from Harassment Act 1997

Criminal Damages Act 1971

Criminal Justice Act 1988, Section 47 and 139 a and b

The Education Act 2011

CBO (Criminal Behaviour Order) applied for by the police.

The complainant would be informed in writing that:-

- *Their behaviour is now considered by the Governors to be unreasonable or unacceptable, and request a changed approach*
- *Inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the unreasonably Persistent Complaints/ Harassment Policy*
- *Require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken*
- *Inform the complainant that, except in emergencies, the school will respond only to written communication*
- *If a parent, they should consider if Chacombe CE (Aided) Primary School is the best place for the education of their child, should the relationship between school and parents be eroded to an irreversible point which may prove detrimental to the child.*

Physical or verbal aggression

The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- *stop the individual from entering the school site, with immediate effect*
- *request a CBO (Criminal Behaviour Order).*
- *prosecute under Anti-Harassment legislation.*
- *call the police to remove the individual from the premises, under powers provided by the Education Act 1996.*

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the 'Unreasonably Persistent Complaints/ Harassment' section of this policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

Model Procedure for the Conduct of a Stage 3 Governors Panel Hearing

1. *The chair of the committee will invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.*
2. *The chair will explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.*
3. *The chair will then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines.*
 - i. *The complainant describes her/his complaint and may call witnesses.*
 - ii. *The Headteacher may seek clarification from the complainant and any witnesses.*
 - iii. *The Governors' panel or its advisers may seek clarification from the complainant and any witnesses.*
 - iv. *The Headteacher will respond to the complaint and may call witnesses.*
 - v. *The complainant may seek clarification from the Headteacher and any witnesses.*
 - vi. *The Governors' panel (including any advisers) may seek clarification from the Headteacher and any witnesses.*
 - vii. *The Headteacher will be given the opportunity to sum up.*
 - viii. *The complainant will be given the opportunity to sum up.*
 - ix. *Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.*
 4. *The panel will make a decision or judgement on: -*

The validity of the complaint; appropriate action to be taken by the school and/or parent; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
 5. *The decision or judgement will be confirmed in writing within 5 days.*

NB. If there is more than one complainant this procedure will be followed for each one in turn, unless the complainants agree to the complaint being one.

Dealing with Complaints about Racism in School

1. *Racist Behaviour to a Child or Student*

The procedures to be followed are contained in Education Services guidance "Notification of Racist Incidents"
2. *Racist Incident Alleged Against School Staff*
 - i. *The report/ complaint will be made to the Headteacher, or if the Headteacher is the subject of the report/complaint, to the Chair of Governors;*
 - ii. *As racism is a disciplinary offence, the normal disciplinary procedures are followed.*
3. *Institutional Racism*

Stakeholders who perceive that racist practice or policies are operated by the school should pursue these through the General Complaints Procedure.

THE ROLE OF EDUCATION SERVICES

- *The primary responsibility for resolving complaints rests with the Governing Body. (1998 Education Act, Part II, Chapter 3, Para, 39(1)) Education Services role in school complaints is to provide advice to all parties.*
- *When Education Services receives a general complaint which does not come under one of the areas covered by statutory requirements, nor is obviously concerned with child abuse or staff disciplinary matters the complainant will be referred to the schools' complaints procedure. The complainant will be advised to contact the Headteacher to take the matter further. If the complaint has already involved the Headteacher but has not achieved a satisfactory resolution from the perspective of the complainant, the Education Services officer may seek to resolve issues between the Headteacher and the complainant. If this is not possible or successful the complainant will be referred to the Chair of Governors. In this situation the Headteacher will be notified of the referral and details of the complaint.*
- *Education Services staff will give advise to the Headteacher, Governors and stakeholders on the use of complaints procedures. For serious or complex complaints this will be through a Senior Education Officer.*
- *Where possible Education Services will provide advice and appropriate support to complaints panels of governing bodies, including attendance of an officer at meetings to hear complaints.*