

William Stockton and Wimboldsley Federated Schools Complaints Policy And Procedure



Agreed by the Governors September 2020

Review Date: September 2021

William Stockton and Wimboldsley Federated Schools

Policy and Procedure for Dealing with Complaints

A distinction needs to be made between a 'concern' and a 'complaint'. If we take informal 'concerns' seriously at the earliest stage it will reduce the development of serious complaints.

The procedure outlined in this paper deals with complaints. Every effort should be made to resolve the complaint informally before invoking these more formal procedures.

The Deputy head teacher of William Stockton Primary will be the Complaints Co-ordinator for William Stockton School and Wimboldsley Primary School. They will be responsible for the operation and management of the school complaints procedure.

Framework of Principles

The Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- **be easily accessible and publicised;**
- be simple to understand and use;
- **be impartial;**
- **be non-adversarial;**
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;

Investigating Complaints

The person investigating the complaint will:

- **receive the Complaints Form attached (appendix 1)**
- 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 (if unsure or further information is necessary);
- 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 keep in mind ways in which a complaint can be resolved, often 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.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. (An admission that the school could have handled the situation better is not the same as an admission of negligence.)

The complaint form attached at the end of the policy is to be completed by complainants (appendix 1).

Vexatious Complaints

The complaint procedure should limit the number of complaints that become protracted. However, there will 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 Board of Governors will inform them in writing that the procedure has been exhausted and that the matter is now closed.

Unresolved complaints

From 1 August 2012 complaints about maintained schools not resolved by the school that would have been considered by the Local Government Ombudsman or the Local Authority should be addressed to the Secretary of State for Education. The Secretary of State or another member of the Department's ministerial team can be contacted by email at: ministers@education.gsi.gov.uk or by telephone: 020 7925 5065

The Stages of Complaints (see Appendix 2)

Stage One: Complaint heard by subject of complainant (if appropriate) within five days.
Responded to within 10 school days of receipt of complaint.

Stage Two: Complaint heard by Headteacher within five school days

(Complaint heard by Federations Executive Headteacher if the subject of the complaint is against the Headteacher within 5 working days)

Stage Three: Complaint heard by Governing Body Complaints' Appeal Panel – if all in school attempts at solving the complaint are unsuccessful.

Note: If the complaint is made to a person at a stage later than appropriate the complainant should be referred back to the appropriate stage. It is undesirable for a Governor to act unilaterally on an individual complaint outside the formal procedure, or to be involved at the early stages in case they are needed to sit on a panel at a later date.

Each meeting will be minuted

Complaints sent directly to the Chair of Governors

If a complaint is sent directly to the Chair of governors, in effect by passing the complaints procedure, the Chair of Governors will re-direct the complainant to the correct step of the complaints policy. The complainant will be informed, by the Chair of Governors that they must follow the Complaints policy to ensure a fair hearing/decision.

The complaint form attached at the end of the policy is to be completed by complainants.

Complaint about the head teacher or Deputy Head Teacher:

Step 1 - If a parent is concerned about anything to do with the behaviour, leadership or management by the head teacher, they should, in the first instance, discuss the matter with the head teacher; **most matters of concern can be resolved positively in this way.**

Step 2 - Where a parent feels that a situation has not been resolved through contact with the head teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Federation's Executive Headteacher. She will consider all matters of concern very seriously and investigate each case

thoroughly. **Most complaints would normally be resolved at this stage.**

Step 3 - Only when an informal complaint fails to be resolved by the Federation's Executive Headteacher should a formal complaint be made to the Chair of the governing body. This complaint must be made in writing, using the complaint form attached expressing the preferred outcome. The parent should send this written complaint to the Chair of the governing body via the school office. This will be responded to within 10 school days of receipt of complaint.

Complaints against the Executive Headteacher will be heard by the Governing Body

Complaint Heard by Governing Body Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or nominated governor, will convene a Governing Body Complaint Appeal Panel within 21 school days. The governor's appeal hearing is the last

school-based stage of the complaints process. It is not convened to merely rubber-stamp previous decisions.

Individual complaints should not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Remit of the Governing Body Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the 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.

There are several points which any governor sitting on a complaints panel needs to remember:

1. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor 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, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
2. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.

However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.

3. An effective panel will acknowledge that many complainants feel nervous and

inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is appropriate and not adversarial.

The Role of the Clerk

It is strongly recommended that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceeding are accessible;
- 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;
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body

The Chair of the Board of Governors will:

- check that the correct procedure has been followed;
- Notify the clerk to arrange the panels if a hearing is appropriate.

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be helpful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's

decision, in writing, with the panel's response within seven days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- Witnesses are only required to attend for the part of the hearing during which they give evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher or Deputy headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher 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 headteacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within seven school days.
- Both parties leave while the panel decides on the issues.

Use of documentation shared during the complaints procedure

All documentation shared during the complaints procedure are confidential & remains the property of the school. All documentation must be returned to the school (Head teacher or Chair of Governors) after meetings and Panel Hearings.

Complaint about governors

complaints against the chair of governors or any individual governors are made to the clerk to the governing body (the clerk), the clerk should then arrange for the complaint to be heard. This is to be done by a suitably skilled and impartial member of the governing body (stage 1) and then a committee of members of the governing body (stage 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 involve sourcing an independent investigator to complete stage 1 and co-opted governors from other schools to hear the complaint at stage 2.

Governing Body Review

The Governing Body 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. Complaints information shared with the whole Governing Body will not name individuals. The monitoring and review of the complaints by the school and the Governing Body will be used to help evaluate the school's performance.

Equal Opportunities: At William Stockton and Wimboldsley Federated Schools we are committed to ensuring equality of education and opportunity for disabled pupils, staff, and all those receiving services from the school regardless of gender, race, and disability.

Appendices

1. Complaint Form 2020/21

2. The Stages of Complaint

3. Matters Outside the scope of the complaints procedure

4. Complaints regarding Religious Education or Collective Worship

Appendix 1



Complaint Form 2020/21

Please complete and return to the appropriate body for your complaint, who will acknowledge receipt and explain what action will be taken.

Headteacher

head@williamstockton.cheshire.sch.uk Executive

Headteacher exehead@williamstockton.cheshire.sch.uk

Adminhead@williamstockton.cheshire.sch.uk

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 actions do you feel might resolve the problem at 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:

Appendix 2

The Stages of Complaints

Stage One: Complaint heard by subject of complainant (if appropriate) within five days. Responded to within 10 school days of receipt of complaint.

Stage Two: Complaint heard by Headteacher within five school days (Complaint heard by Federations Executive Headteacher if the subject of the complaint is against the Headteacher within 5 working days)

Stage Three: Complaint heard by Governing Body Complaints' Appeal Panel – if all in school attempts at solving the complaint are unsuccessful (see page 5).

Note: If the complaint is made to a person at a stage later than appropriate the complainant should be referred back to the appropriate stage. It is undesirable for a Governor to act unilaterally on an individual complaint outside the formal procedure, or to be involved at the early stages in case they are needed to sit on a panel at a later date.

Each meeting will be minuted.

Appendix 3

Matters Outside the Scope of a Complaints Procedure Our complaints procedure covers all complaints about any provision of facilities or services that school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

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 directly 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

Appendix 4

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 there of

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 schools 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.

The following information can also be viewed on the LA website:

Standing Advisory Council on Religious Education (SACRE)

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