Urchfont C. E. Primary School

– September 2013

## Urchfont C of E Primary School Complaints Procedure 2020

1. **Introduction**

1.1 We endeavour to provide the best education possible for all of our pupils in an open and transparent environment. Under Section 29 of the Education Act 2002, the governing body of all maintained schools are required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the complaint procedure to be published. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

* Fairly
* Openly
* Promptly
* Without Prejudice

1.2 In order to do so, the governing board has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

1. **Which procedure do I need?**

2.1 A concern may be expressed as ' an expression of worry or doubt over an issue considered to be important for which reassurances are sought' or 'an expression of dissatisfaction however made, about actions taken or lack of action'

2.2 Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception:

* Curriculum, Collective Worship, Religious Education
* Some Special Educational Needs issues
* Allegations of abuse against a member of school staff (report to Head immediately)
* Allegations of abuse against the Head Teacher (report to Chair of Governors immediately)
* Pupil admissions; please see the school’s admissions policy or contact Wiltshire Council.
* Pupil exclusions; please see the school’s behaviour policy.
* Staff grievance, capability or disciplinary; these are covered by the school’s grievance, disciplinary and capability procedures.
* Where the complaint concerns a third party used by the school; please complain directly to the third party themselves (unless it directly effects the safety or welfare of the child).
* Anonymous complaints – please refer to the whistleblowing policy.
* Subject Access Requests and Freedom of Information Requests – please see the school’s data protection and freedom of information policy

**2.2 Raising concerns**

2.2.1 The majority of concerns can be dealt with without resorting to the formal complaints procedure. **Where you have a concern about any aspect of the school or your child’s education or wellbeing, raise this with the class teacher via the telephone, email or in person. before using the formal complaint procedure. Most concerns can be resolved at this stage.** Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

2.2.2 If you have difficulty discussing a concern with a particular member of staff we will respect your views. In these cases the headteacher will refer you to another staff member.

2.2.3 All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998.However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

**2.3 Safeguarding**

2.3.1 Wherever a complaint indicates that a child’s wellbeing or safety is at risk, the school is under a duty to report this immediately to the Local Authority. Child Protection Officer Any action taken will be in accordance with the school’s safeguarding policy available from the main school reception.

**2.4 Social Media**

2.4.1 In order for complaints to be resolved as quickly and fairly as possible, we request the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, **and we expect complainants to observe confidentiality also.**

**2.5 Complaints that result in staff capability or disciplinary**

2.5.1 If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher and/or the individual’s line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

There are 2 stages to our complaints procedure. A complaints co-ordinator will manage the complaints process and the complaints co-ordinator for this school is Rachael Atkins, the Clerk to the Governing Body.

**3.0 How to Make a Complaint**

3.1.Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the process.

3.2 Complaint against school staff (except the headteacher) should be made in the first instance to the headteacher via the school office. Please mark them Private and Confidential

3.3 Complaints that involve or are about the headteacher should be addressed to the Chair of Governors via the School Office. Please mark them Private and Confidential.

3.4 Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them Private and Confidential.

3.5 For ease of use a template is provided at the end of this procedure. If you require any help in completing the form please contact the school office.

3.6 In accordance with equality law, we will consider making reasonable adjustments if required. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

3.7 Where a complainant wishes to withdraw their complaint we ask them to confirm this in writing.

3.8 We will not deal with anonymous complaints

**4.0 Stage 1 - Formal investigation**

4.1 Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making a formal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the Head Teacher via the school office (see 3.2)
2. The complainant must explain in writing, preferable on the complaint form
* An overview of the complaint so far
* who has been involved
* why the complaint remains unresolved
* action they would like to be taken to put things right.
1. The Head Teacher will respond within 5 working days of having received the written complaint. They will explain what action they intend to take. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.
2. Where the complaint is about a member of staff or a school governor, the Head Teacher will arrange an informal mediation meeting between the two parties to see if a resolution can be come to.
3. The Head Teacher will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action.
4. The Head Teacher will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998

4.2 At each stage in the procedure Urchfont C of E Primary School wants to resolve the complaint. If appropriate we will acknowledge that the complaint has been upheld in whole or in part. In addition we may offer one or more of the following:

* an explanation
* an admission that the situation could have been handled differently or better
* an assurance that we will try to ensure the event complained of will not recur
* an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
* an undertaking to review school policies in light of the complaint
* an apology

4.3 Where the complainant is not satisfied with the outcome, they are able to progress to Stage 2 of the complaints process – a meeting with members of the governing body's complaints committee, which will be formed of 3 impartial governors. This is the final stage of the complaints procedure.

4.4 If the complaint is about the headteacher or a member of the governing body a suitably skilled governor will be appointed to complete all the actions of Stage 1.

4.5 If the complaint is jointly about the Chair and Vice Chair or the entire governing body or the majority of the governing body then Stage 1 will be considered by an independent investigator appointed by the governing body or Salisbury Diocese and a formal written response will be written.

**5.0 Stage 2 – Formal investigation by** **the Complaints Panel**

5.1The complainant may make a request to escalate to Stage 2 to the clerk via the school office within 10 working days of the receipt of Stage 1 response.

5.2 The clerk will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes. Requests received outside this timeframe will only be considered in exceptional circumstances.

5.3The clerk will arrange a meeting of the panel and will write to the complainant to inform them of the time and date. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. The Clerk will request copies of any further written material be submitted to the committee at least 5 school days before the meeting

5.4 If the complainant rejects the offer of 3 proposed dates without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainants absence on the basis of written submissions from both parties.

5.5 The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting they will decide who will act as Chair of the Committee. If there are less than 3 governors available the Clerk will source any additional governors through a local school or the Governor Services Team in order to make up the committee. Alternatively an entirely independent committee may be convened

5.6 Where the complaint involves a member of staff that staff member is also invited to the meeting and may bring a companion with them.

5.7 The complainant may bring a relative of friend to the meeting.

5.8 Neither party may bring legal representation. If after the hearing any party feels that legal action is necessary please see contact details at the end of the procedure.

5.9 Representatives from the media are not permitted to attend.

5.9.1 If the attendance of pupils is required at the hearing, parental permissiion will need to be sought if they are under 18. Extra care will need to be taken to consider the vulnerability of children where they are present at a hearing.

5.9.2 At the meeting the complainant and the Head Teacher (or their representative) should provide all the relevant information they wish and the Complaints Panel should clarify any points. The Chair of the Panel will then ask all parties to leave except panel ,members and the clerk.

5.9.3 The panel can make the following decisions:

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.

5.9.4 All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

5.9.5 This is the final stage at which the school will consider the complaint.

5.9.6 If the complainant remains dissatisfied and wishes to take the complaint further, please see the link to make a complaint to the DfE, at the end of this page.

**6.0 Concerns/Complaints specifically about the Head Teacher or Governors**

6.1 Where a complaint is about the Head Teacher a formal written complaint should be made to the Chair of Governors who will acknowledge receipt within 5 days and will contact a Governor Support Officer for advice.

6.2 Where a complaint is specifically about the Chair of Governors a written formal complaint should be made to the Vice Chair.

6.3 Where a complaint is about any other governors a formal complaint should be made to the Chair of Governors.

6.4 Complaints against governors will be considered to be a level 2 complaint and will therefore be heard by a panel of governors or a panel composed of governors from another school within the Diocese. Governors elected onto the governing body can be suspended for a period of up to 6 months. Governors appointed by the LA can be suspended or removed from the governing body.

6.5 All formal written complaints should be in a sealed envelope marked ‘Urgent, Private and Confidential’

**7.0 Unreasonable (vexatious) complaints:**

7.1 Where a complainant raises an issue that has already been dealt with via the school’s complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light. If a complainant persists in raising the same issue, the headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

7.2 Unreasonable complaints include the following scenarios:

* The complainant refuses to co-operate with the school’s relevant procedures.
* The complainant changes the basis of the complaint as the complaint progresses.
* The complainant seeks an unrealistic outcome
* Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
* The complainant acts in a way that is abusive or offensive.

**8.0 Contact details for Urchfont C of E Primary School**

Clerk: Rachael Atkins 01380 840793 clerk@urchfont.wilts.sch.uk

Head Teacher: Mrs Carol Talbot 01380 840793 head@urchfont.wilts.sch.uk

Chair of Governors: Mr Ian Walker 01380 840793 chair@urchfont.wilts.sch.uk

5.3.1 Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full:

* If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the governors, Rachael Atkins
* If the complainant feels that the governing board acted ‘unreasonably’ in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.
* The Department for Education will not normally re-investigate the substance of complaints or overturn any decisions made by Urchfont C of E Primary School. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.
* The complainant can refer their complaint to the Department for Education online at:
* [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus) by telephone on 0370 000 2288 or by writing to:
* Dept for Education

 Piccadilly Gate

 Store Street

 Manchester

 M1 2WD

**5.4 If you wish to make a formal complaint - please use the form found in Appendix A.**

This policy has been agreed by the Governing Body.

**Reviewed: February 2020**

**Review due: February 2022**

**Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_(Chair of Governors)**

**Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Appendix A: Urchfont Cof E Primary School Formal Complaint Form**

|  |  |
| --- | --- |
| Name |  |
| Name of pupil, year group and your relationship to them (where applicable) |  |
| Contact address |  |
| Contact telephone day |  |
| Contact telephone mobile |  |
| Contact email address |  |
| Details of the complaint |  |  |
|  |  |  |
| Action taken so far (including staff member who has dealt with it so far) or solutions offered |  |  |
|  |  |  |
| The reason that this was not a satisfactory resolution for you |  |  |
|  |  |  |
| What action would you like to be taken to resolve the problem? |  |  |
|  |  |  |

Signed:

Date: