

St Paul's CE (VC)
First School Coven

Complaints Policy
Updated May 2016

St Paul's Complaints Procedures Policy

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Introduction

The school complaints procedure policy was developed from Local Authority and Department for Education guidelines by the Governing Body of St Paul's First School and agreed by the whole staff. The policy was approved and ratified by the Governing Body in the Summer Term 2014 and has the full agreement of the governing body.

Aims

At St Paul's First School, we aim to maintain a caring, supportive and disciplined learning environment where children benefit from the best possible education. All staff are committed to this aim.

Summary of the policy

St Paul's First School's complaints policy includes 5 levels of the complaints procedure and guidance:

- Level 1 - informal appointment with class teacher
- Level 2 - informal appointment with the Headteacher
- Level 3 - formal complaint letter to the Headteacher
- Level 4 - formal complaint to the chair of governors
- Level 5 - formal referral to a governors' complaints panel

Please note: The complaints procedure also addresses the process to follow when concerns or complaints are raised about a specific governor(s).

Procedure for handling concerns and complaints at St Paul's First School

Each level of the procedure set offers the opportunity for concerns and complaints to be resolved as quickly as possible.

Level 1 - Informal

Parents, carers or guardians should, in the first instance, make an appointment to speak to the class teacher about the concern. It is best to resolve issues at this point.

Guidance on informal Level 1:

- Concerns should initially be handled informally in a manner that offers the best way of resolving issues.
- A class teacher should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.
- It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.
- The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.

Level 2 - Informal

Parents, carers or guardians dissatisfied with the result of the discussions with the class teacher should ask for an appointment to meet with the Headteacher, who may be willing to offer informal intervention. If everyone involved is unable to resolve the issue then it may be necessary to ask for information from Staffordshire County Council.

Guidance on informal Level 2:

- It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the appointment with the Headteacher then he/she can ask for an appointment to meet with the Chair of Governors.
- It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.
- The aim should be that discussions end on a positive note with no bad feeling.
- It is hoped that most problems will have been resolved by now.

Level 3 -formal complaint letter to Headteacher

An issue that has not been resolved through the informal levels 1 and 2, can become an official complaint. Parents, carers or guardians wishing to move to level 3 must write a formal letter of complaint to the Headteacher. The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer or guardian considers the issue still to be unresolved. The Headteacher will acknowledge the written complaint within five working days, consider the complaint and discuss a resolution with the complainant. The Headteacher will respond to the complainant in writing within 15 school days of receipt of the letter.

Guidance on Level 3 - formal:

- An unresolved issue can now move to a formal complaint. This is a serious step to be taken. In consideration of future home/school relationships everyone concerned will need to negotiate an agreement and concentrate on finding a resolution to the issue.

Level 4 - Formal complaint to Chair of Governors

An issue that has not been resolved through the informal levels 1 and 2 and formal level 3 can be referred in writing to the Chair of Governors. The Chair of Governors will acknowledge the written complaint within five working days and consider the complaint alongside evidence collected by the school on the matter. The Chair of Governors will respond to the complainant in writing within 15 school days of receipt of the letter and convene a meeting as appropriate.

Level 5 - formal referral to a Governors' complaints panel

Where an issue has not been resolved through the earlier levels of the process, the Chair of Governors will convene a Governors' complaints panel. The role of this panel shall be to review all of the evidence objectively and the procedure as followed. The recommendation of this panel will be final.

Concerns or complaints specifically about the Headteacher

- If the concern or complaint is specifically about the Headteacher and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of Governors.
- The school will provide the Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'.
- The Chair of Governors should acknowledge the complainant's letter in writing within five school days of receipt.

Concerns or complaints specifically about a governor

- A formal complaint against a governor other than the chair should be referred to the chair, who will seek to resolve it. The school will provide Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'.
- The Chair of Governors should acknowledge the complainant's letter in writing within five school days of receipt.
- A governor who is the subject of the complaint will normally be advised of the situation immediately.

- If it cannot be resolved by the chair, the complaint will be considered to be a Level 5 - formal complaint and therefore will be considered by a *Governors' complaints panel*. Complainants will be informed of the limited powers of such a committee in these circumstances.
- If the complaint is upheld or upheld in part, the committee may make recommendations to the governing body. If necessary the complaints panel may be composed of governors from another school within Staffordshire County Council.
- However, if the complaint involves a child protection issue, child protection arrangements will come into force.

Complaints against the Chair of Governors

- In the event of a formal complaint being made against the *Chair of Governors*, which is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the *Vice-Chair of Governors*. The school will provide the *Vice-Chair of Governor's* name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The *Vice-Chair of Governors* should acknowledge the complainant's letter in writing within five school days of receipt.
 - A governor who is the subject of the complaint will normally be advised of the situation immediately.
 - The complaint will be considered to be a Level 5 - formal complaint and therefore will be considered by a *Governors' complaints panel*.
 - Complainants will be informed of the limited powers of such a committee in these circumstances.
 - If the complaint is upheld or upheld in part, the committee may make recommendations to the governing body.
 - If necessary the complaints panel may be composed of governors from another school within Staffordshire County Council.
 - However, if the complaint involves a child protection issue, child protection arrangements will come into force.
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- Complainants wishing to move to level 5 of the formal complaints procedure will need to write a letter to the clerk of the governors to request that a *Governors' complaints panel* be convened.
 - This formal complaint letter must be received within 15 school days of the last meeting with the Headteacher concerning the issue.
 - The complainant should write to the *Chair of Governors* at the school address marking the envelope 'urgent and confidential'.
 - The letter will need to set out the complaint that has previously been formally discussed with the Headteacher and show why the matter is not resolved. Additionally it should detail what actions would resolve the complaint.

Before the meeting:

The Chair of Governors should:

- appoint a clerk to the governors' complaints panel who will take the minutes
- acknowledge the complainant's letter in writing within 10 school days of receipt
- arrange for a panel of governors to meet within fifteen school days of receipt
- provide the Headteacher with a copy of the complainant's letter, and request written documentation relevant to the complaint from the school.

The clerk should:

- send both the complainant's letter and the school documentation to the governors' complaints panel members, complainant and Headteacher (and anyone else involved in the meeting) at least 10 school days before the date of the meeting.

The complainant and head teacher will be invited to attend the Governor's complaints panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

At the meeting:

- The complainant and head teacher (or his/her representative) should provide all the relevant information they wish and the governors' complaints panel members should ask for any points to be clarified.
- After the complainant and head teacher (or his/her representative) has provided all the information they wish, the chair will ask all parties to leave except the panel members and the clerk.

After the meeting:

- The governors' complaints panel will write to all concerned within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate.
- The decision of the governor's complaints panel is final.
- A complaint may be made to the Secretary of State for Education if a person believes that the governing body is acting 'unreasonably' or is failing to carry out its statutory duties properly (see sections 496 and 497 of the Education Act 1996).
- However, intervention can only occur if the governing body has failed to carry out a legal duty or has acted unreasonably in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision.

Guidance on Level 5 - formal:

Before the meeting:

- The Complaints Panel must be made up of at least three governors and a clerk.
- 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.

At the meeting:

- The aim of the meeting, 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.
- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.
- Everyone attending should be in the room at the same time
- Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.
- The clerk should take notes of the meeting, including listing who is present:
 - governors, stating who is the chair of the governors' complaints panel
 - head teacher (or his/her representative) and any other members of school staff parents and anyone accompanying them e.g. friend
 - clerk
- These minutes will remain confidential and this needs to be stated as such at the meeting.
- The chair of the governors' complaints panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.
- People present should introduce themselves stating their reason for being at the meeting.
- The Chair of the Governors' complaints panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why she/he feels the issue has not been resolved.
- The governors' complaints panel members can ask questions to make sure they understand the issue from the complainant's point of view.
- The chair of the governors' complaints panel should request a verbal statement from the Headteacher (or his/her representative) in support of his/her written account of the complaint and the steps taken to resolve the issue.
- The governors' complaints panel members can ask questions to make sure they understand the issue from the Headteacher's point of view.

- The members of the governors' complaints panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.
- The chair of the governors' complaints panel must ask the complainant and the Headteacher (or his/her representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.
- When the governors' complaints panel members understand all the issues, the chair will ask all parties to leave except the panel members and the clerk.

After the meeting:

- The governors' complaints panel members then discuss the issues in private and the clerk remains to record the decision.
- The panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.
- 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.
- When the panel have reached a decision the clerk will inform everyone concerned in writing as soon as possible, but in any event, within 10 school days of the panel meeting. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.
- The decision of the governor's complaints panel is final.

Once a governor's complaints panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the Chair of Governors should inform the complainant that the matter is closed.

Vexatious Complainants:

- It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude.
- Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious.
- Each complaint must be considered as to whether it is vexatious or genuine and followed through thoroughly.

Exceptions to the Policy

The exceptions to this requirement are complaints relating to the curriculum, collective worship and religious education, some Special Educational Needs issues and admission, where the Local Authorities have statutory responsibilities. The Headteacher can give information about this and advice on whom to contact in Staffordshire County Council. There are certain other complaints which fall outside the remit of the governing body's complaints procedure, for example, staff grievances or disciplinary procedures.

Allegations of abuse against a member of the school staff must be reported to the Headteacher immediately.

Allegations of abuse against the Headteacher must be reported to the Chair of Governors immediately. Immediate contact must be made by the Headteacher or Chair of Governors with the Local Authority child protection officer.

For complaints that do not fall within the definition of curriculum complaints, the responsibility for dealing with them falls entirely on the governing body.

Staffordshire County Council may not take over this responsibility, and appeals against governing body decision and procedures would be heard by the Secretary of State.

Any complaints concerning the conduct of school staff will be handled in accordance with the schools internal disciplinary procedures. The details of such an investigation will remain confidential.

Staff not employed directly by the school

The governing body will ensure that any third party provider offering activities and services such as Sports Plus has their own complaints procedure in place. If a third party provider's complaints process is exhausted and the matter is not resolved and it will be referred to the Headteacher.

Racial Equality & Equal Opportunities

All children have equal access and inclusive rights to the curriculum regardless of their age, gender, race, religion, belief, disability or ability. We plan work that is differentiated for the performance of all groups and individuals. St Paul's First School is committed to creating a positive climate that will enable everyone to work free from racial intimidation and harassment and to achieve their full potential. Policies are available on each of these that expand on this further.

All staff has equal access and inclusive rights to their work regardless of their age, gender, sexual orientation, race, religion, belief, disability or ability. St Paul's First School is committed to creating a positive climate that will enable everyone to work free from racial intimidation and harassment and to achieve their full potential. Policies are available on each of these that expand on this further.

Accessibility of policy documents

Parents and carers are welcome to ask for further information about any policy matter. Copies of all current School policies are available for parents and carers to read. A copy of each policy is available from the School Office and all policies can also be viewed online via the School website at www.stpaulscoven.co.uk. The School will try to arrange for the translation or summary of a document when this is requested by a parent or carer whose first language is not English.

Review

This policy as reviewed in May 2016.

This policy is due to be reviewed in May 2017.