

# Complaints Policy and Procedure



**Wistaston Academy**

Primary and Nursery School

Together We Learn • Together We Achieve

<b>Policy Author</b>	Linda Davis, Principal
<b>Responsible Governor's Committee</b>	Finance, HR, Resources Committee
<b>Date discussed at SLT Meeting</b>	Autumn 2015
<b>Date discussed at Staff Consultation Committee Meeting</b>	N/A
<b>Date established and approved by Governors</b>	Autumn 2015
<b>Frequency of Review</b>	Review in the light of changes to legislation or operating experience
<b>Academy website</b>	No

## **1. Introduction**

- 1.1 All maintained schools and academies are required to establish a complaints procedure and to publicise that procedure. This procedure is based on the Cheshire East Borough Council model following wide consultation with Head teachers and Associations. This Complaints Procedure Policy is saved on our school website and parents have been referred to it in our newsletters.
- 1.2 The intention of this procedure is to provide parents with a clear and transparent process that will enable all complaints to be dealt with as quickly and efficiently as possible. The length of time that this takes will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, all complaints will be settled within a period which is reasonable in the circumstances.
- 1.3 This procedure takes into account current Department for Education guidance.
- 1.4 All references to working days refer to days on which the school is open to pupils and for staff training days.
- 1.5 This procedure has been adopted by the Governing Body of Wistaston Academy.

## **2. Scope of the Procedure**

- 2.1 This policy can be used by you if you are a parent/carer of a registered pupil at the school or if you are a member of the wider community or a person representing an ex-pupil of the school. It does not apply to current staff members, or former members of school staff in any matter arising out of their employment at the school.
- 2.2 Where your complaint makes an allegation of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure at any time or following recommendations at the conclusion of the complaints process.
- 2.3 If your complaint is about any third party provider on the school site you will normally be expected to use their complaints procedure.
- 2.4 Complaints will normally be dealt with following the 4 stages set out below.

## **3. General Principles**

- 3.1 All complaints will be dealt with in a transparent way and as quickly as is reasonably practical. You will be kept informed during the investigation of your complaint and of the outcome except where this is confidential e.g. in the case of a staff disciplinary process.
- 3.2 It is important that complaints are dealt with as expeditiously as possible. The school will normally expect you to raise your complaint within 12 term time calendar weeks of the event/matter complained of unless the Principal or Chair of Governors agrees there are exceptional reasons for not doing so. All correspondence to the school or

governors should be by email or letter care of the school office and not to the home address of any governor.

- 3.3 The timescales for dealing with your complaint within this procedure will be adhered to as far as is reasonably practicable. Where this is not possible you will be informed, within the specified timescale, as to why this is the case, and given a revised timescale for dealing with your complaint.
- 3.3 The school has appointed a school's complaints co-ordinator (the Principal) whose role is to have responsibility for the operation and management of the school's complaints procedure.
- 3.4 The governing body recognises that complaints may provide helpful insights and feedback for the Principal and staff, as well as the governing body, and as such support improvement in processes and practice.

#### **4. Resolving complaints**

4.1 At each stage in the procedure school will want to consider the ways in which your complaint can be resolved which may include acknowledging that your 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.

4.2 At each stage you will be asked to state what action you feel might resolve the issue.

#### **5. Vexatious complaints**

5.1 The School defines vexatious complaints as follows:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious;
- Insistence upon pursuing complaints and/or unrealistic outcomes beyond all reason;
- Insistence upon pursuing complaints in an unreasonable manner;
- Complaints which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value.

5.2 The school may judge your complaint to be pursued in an 'unreasonable manner' where your frequency of contact with the school hinders the

consideration of the complaint and/or impedes the ability of the Principal and school to meet the needs of all pupils equitably.

- 5.3 Where the Principal, and/or Chair of Governors, or other nominated governor judges a complaint to be frivolous or vexatious, having considered all the relevant circumstances, s/he will take such actions as they consider appropriate which may include rejecting the complaint and/or restricting contact between you and the school.
- 5.4 Any such decision will be communicated to you in writing with the reasons for it.
- 5.5 Where you seek to reopen a matter the same as, or similar to, a matter previously considered under the procedure the Chair of Governors has the right to inform you that the procedure has been exhausted and the matter is closed.

## **6. Stages of the Procedure**

- 6.1 Many concerns and minor complaints can be resolved quickly and informally through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort will be made by the school to have a full discussion with you and resolve the issues informally before moving into the formal stages of this procedure.

### **Stage 1 (Informal) Initial concern**

- 6.2. You should raise your concern/issue by appointment with the [class teacher/form tutor/person complained of] as soon as possible. The purpose of the meeting should be to establish the nature of the concern and to seek a realistic solution to the problem. The staff member may, if they consider it appropriate, or if so directed by their line manager/Principal, refer you to a more senior or experienced member of staff who will try to resolve your concern informally. Where a particular member of staff (e.g. your child's class teacher) is the subject of the complaint you may choose to have your concerns addressed by a different member of staff. [You should ask the school's complaints co-ordinator to do this.]
- 6.3 If your concern is not resolved through such discussion you should seek an appointment with the Principal or with a member of the senior leadership team, a Deputy Principal or assistant headteacher. The purpose of this meeting is to establish the nature of your ongoing concern and hopefully resolve it to your satisfaction. It is for the Principal to determine which staff members should attend any such meeting.
- 6.4 You should note that individual governors are unable to act on a complaint outside of the procedure set out in this document.
- 6.5 If initial attempts to resolve your issues informally are unsuccessful and you remain dissatisfied you may wish to invoke the formal complaints procedure set out below.

### **7. Stage 2 (formal) Complaint heard by the head teacher/or senior member of staff**

- 7.1 If you remain dissatisfied either with the way in which your concerns have been handled or your issue remains unresolved you may wish to ask the Principal/or senior member of staff, or an appropriate third party as decided by the Principal to hear your complaint.
- 7.2 The Principal/or senior member of staff may ask another member of staff to assist with collating information as part of the investigation but the decision on the action to be taken will be made by the head teacher/senior member of staff.
- 7.3 Your complaint should be made in writing on the school's complaint form which you may download and print from the school website or obtain from and return to the school office addressed to the head teacher or senior member of staff.
- 7.4 The Principal/senior member of staff, or other member of staff nominated by him/her, will contact you within 10 working days of receiving your complaint, or as soon as is reasonably practical to arrange a meeting with you at a mutually convenient time. You will be permitted to bring a friend or representative to you at this stage. Where necessary the Principal/senior member of staff, or other nominated member of staff, will carry out a full investigation into the issues raised. The Principal/senior member of staff will give a written response to you within 10 working days of this meeting or as soon as is reasonably practical thereafter. Where you decline the offer of a meeting this response will be made as soon as possible after you notify the school that you do not wish to meet. Normally this will be within 10 working days. Where you remain dissatisfied with this response, the complaint should move to the third stage of the procedure.
- 7.5 Where your complaint is against the Principal, the chair of governors, another governor or the Governing Body as a whole, the complaint will move straight to the third stage of the procedure.
- 8. Stage 3 (formal) Complaint heard by the Chair of Governors/other governor**
- 8.1 If you are not satisfied with the response of the Principal/senior member of staff or where paragraph 3.5 applies, you should write to the Chair of Governors. Complaints against the Chair of Governors or any individual governor should be made in writing to the Clerk to the Governing Body. You may write by letter or email via the school office. You must not contact individual governors at their home address.
- 8.2 The Chair/Vice Chair/nominated governor should contact you within 10 working days to offer to meet with you as soon as possible to discuss your concerns.
- 8.3 The Chair/Vice Chair/nominated governor will review the investigation and Principal /senior member of staff decision and may confirm this decision or reach a different decision. The governor may choose to reinvestigate the complaint in whole or in part. The governor may take advice initially from the Cheshire East Council Governance and Liaison Service, which may consult other LA officers, [and also from Diocesan Officers where appropriate].
- 8.4 Where paragraph 3.5 applies the Chair/Vice Chair/nominated governor will conduct an investigation into the complaint. S/he should take appropriate advice in doing so.

- 8.5 The Chair/Vice Chair/nominated governor will communicate his/her response in writing to you as soon as possible but, in any case, within 10 working days of the meeting referred to in paragraph 4.2. If this is not reasonably practicable, you will be informed in writing, with reason(s) for the delay.
- 8.6 Where you decline the offer of such a meeting the governor will inform you of the outcome of the investigation within 10 working days of your notification that you do not wish to meet or as soon as is reasonably practicable afterwards.
- 8.7 Where you are dissatisfied with this response the complaint should move to the appeal stage of the procedure.

## **9 Appeal to the Governing Body Stage**

- 9.1 If you wish to appeal against the decision made at the formal stage you must indicate your intention to do so within 10 working days of receipt of the outcome of the formal stage.
- 9.2 You must do this by sending a written appeal to the Clerk to the Governing Body, either by letter or email. This should state the original complaint and your reasons for appealing the outcome of the previous stages.
- 9.3 A governors' appeal panel will be convened, consisting of three governors who, where possible, have had no previous involvement in consideration of the complaint. A complaints appeal meeting will be held in accordance with the procedure attached as **Appendix A**.
- 9.4 The meeting of the governors' panel should take place as soon as possible, but in any case a date and time should be set and communicated to you within 20 working days of receipt of your request for an appeal. Every reasonable effort will be made by the clerk to agree the date and time with you. Normally the appeal hearing will take place at the school, but for practical reasons an alternative venue may be arranged by the clerk. The governors' decision will be communicated in writing to you as soon as possible but, in any case, within 5 working days of the meeting. The Panel can
- Dismiss your complaint in whole or in part;
  - Uphold your 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 problems of a similar nature do not happen again.

You will have no further right to appeal this decision within the school although you may be able to seek a review of the Governor's appeal panel in certain circumstances to the external bodies listed below.

## **10. Opportunities to Request a Review**

### **Complaining to the Secretary of State**

- 10.1 If you believe that the Governing Body has acted unreasonably you can complain in writing to the Secretary of State for Education. [Complaints to the Secretary of State regarding maintained schools are handled by the Department for Education. In the case of academies the Secretary of State's responsibility to consider complaints is dealt with by the Education Funding Agency.]\**Delete as appropriate*You should write to The Schools Complaints Unit (SCU) Department for Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester, M1 2WD.( Or EFA address if an academy)

### **Complaining to Ofsted**

- 10.2 Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school.

Before complaining to an external body it would usually be expected that **all** stages of this procedure had been exhausted.

## **11. The Role of the Cheshire East Information Advice and Support Service**

- 11.1 The Cheshire East Information, Advice & Support Service(CEIAS) helps parents/carers whose children have difficulties with learning, medical needs or mental health problems, from 0 to 25. The service is confidential and offers impartial advice and information to enable parents and carers to make decisions about their child's education. This includes supporting parents with complaints to schools or the Local Authority.
- 11.2 The service can help you consider what your complaint is about and the options available to you to resolve it, including more informal measures that can be explored in the first instance. If you wish, the service can explain how to put a letter/case together to take the matter forward. Someone from the service can attend meetings with you to offer support but will not speak on your behalf or make decisions for you. The service also offers support after meetings have taken place to consider the conclusions of the meeting and if you feel a satisfactory outcome was achieved. If not you may have further options to consider.
- 11.3 Contact details for the service are 03001235166  
The Service can be contacted at:  
CEIAS, Floor 4, c/o Municipal Buildings, Earle Street, Crewe, Cheshire CW1 2BJ

Date of adoption by Governing Body Summer 2015.

**APPENDIX A**  
**Conduct of Governors' Complaints Panel**  
**Meetings**

- 1 Although this procedure may appear formal, the hearing will be conducted in as informal as way as possible, and the Chair of the Panel will make every effort to make all parties feel comfortable.
- 2 A suitable venue will be provided for the meeting which includes separate waiting areas for the two parties and refreshments for all involved.
- 3 Every reasonable effort will be made to agree the date and time of the meeting with all parties and witnesses and all relevant documentation will be circulated to all parties by the clerk (appointed by the governors) to the Panel at least five working days in advance of the meeting.
- 4 Submission of additional documentation will not normally be allowed outside this timescale or at the appeal meeting, but the decision whether or not to allow this will lie with the governors' panel.
- 5 The meeting will be minuted by the clerk and the draft minutes agreed with the Panel (or if they so resolve by the Chair of the Panel) and then forwarded by the clerk to the complainant for any comment as to accuracy. Any such comments must be returned within 5 working days of being sent. (If by first class post only within 6 working days). The clerk will share any such response with the Chair/Panel (as previously agreed), offering any professional advice or comment, and may accept any amendments in whole or part, or similarly reject them. Any comments not accepted may be appended to the minutes, now approved, for information. The approved minutes should be held by the school and sent to the complainant. The minutes are not to be shared with the governing body, or any individual governor not on the Panel. However the panel Chair should is expected to report back the outcome (without naming any individual) and any actions or learning recommended, to the next full meeting of the governing body.
- 6 The meeting may be attended by:
  - the complainant, with a companion if desired (who cannot also be a witness) or a representative for you;
  - the Principal and/or Chair of Governors/ nominated governor, as appropriate, with an adviser if required;
  - any witnesses called by either party;
  - the members of the Governors' Complaints Panel;
  - the clerk;
  - an adviser to the Governors' Panel.
- 7 Members of staff who have been involved in the issue, or other witnesses may be called upon by either side to attend part of the meeting to provide information to the governors. The appeal Panel may also seek the attendance of named persons, including staff, if they deem it relevant. However no person, including staff members, may be required to attend. It

is for the Panel to decide if it is reasonable to draw any inference in relation to the facts as a result of non-attendance.

- 8 Both sides must provide names of any witnesses to be called at least 5 days in advance of the meeting, and the nature of the evidence which they will be providing. Failure to do so may mean that witness may not be permitted to attend the hearing at the discretion of the governors. The panel has the discretion not to admit a witness if they do not consider their evidence to be relevant to the complaint. Witnesses will not be permitted to sit in the appeal hearing before giving their evidence. It is for the Panel to decide what weight to give any written evidence submitted by a person who does not attend the hearing, and whom it is thus not possible to question.
- 9 There will be no audio or visual recording of the proceedings by any party but a copy of the minutes of the meeting, once approved, will be shared with all parties, as detailed in (5) above.
- 10 The clerk will ensure the governors' Panel select a Chair.
- 11 The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
- 12 The complainant (or companion/ representative) will outline your complaint and explain why you are dissatisfied with the school's response to date. You may call any witnesses in support of your complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
- 13 The Principal/ Chair /nominated governor will have the opportunity to ask the complainant and any witnesses' questions.
14. The panel may ask questions of any party at any point. With the agreement of the Panel Chair, any adviser to the Panel may also ask questions of either party.
15. The Principal and/or the Chair of Governors will explain their/their staff member's involvement in the complaint and the reasons for their decisions at the informal and first/second formal stage. The Principal and/or Chair of Governors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
16. The complainant and the governors will have the opportunity to ask questions of the Principal and/or Chair of Governors.
17. Both parties will be given the opportunity to sum up their statements, ending with you. No new material may be introduced at this stage.
18. The governors may decide to adjourn the hearing pending further investigation, or to consider or clarify any procedural point at any stage, if this seems necessary.

19. Both parties will leave the meeting and the governors will consider the information that has been put to them. The clerk, and any adviser to the panel, will remain for this part of the meeting in order to clarify anything if necessary, and to offer advice, but the governors' deliberations will not be minuted.
20. The governors' panel must reach a unanimous or majority decision as to whether or not to uphold your complaint wholly or in part, and what action (if any) the school needs to take to resolve your complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the governors will reach a decision at this point but they may feel the need to take further advice and adjourn. Where this is the case they will endeavour to reach a decision as soon as possible. Normally this should be within five working days, with any subsequent delay detailed in writing to the complainant by the clerk at the earliest opportunity.
21. The Clerk will communicate the governors' response to both parties in writing as soon as possible but, in any case, within 5 working days of reaching their decision. The governors' response will detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which governors arrived at this conclusion. The response will also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescale