Littledean Church of England Primary School
Complaints Policy and Procedure

Littledean C of E Primary School aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

The Complaints Policy and Procedure has been created to deal with any complaint against a member of the staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and the school must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

Legal Framework
This policy has been created with due regard for the following legislation and guidance, including, but not limited to:

- The Education Act 2000
- Data Protection Act 1998
- Freedom of Information Act 2000
- Best Practice Advice for School Complain Procedures 2016

Definition
A complaint can be defined as 'an expression of dissatisfaction' which can be regarding actions taken or a perceived lack of action. Complaints can be resolved formally or informally dependent on the complainant's choice.

A concern can be defined as 'an expression of worry or doubt,' whether formally or informally, and the appropriate procedures should be taken.

For the purpose of this policy, 'concerns' will be classed and addressed as complaints. Any further references to 'complaints' will include 'concerns'.

Roles and Responsibilities
The complainant will:

- Express the complaint and their concerns in full at the earliest opportunity.
- Co-operate with the school in seeking a solution to the complaint.
- Promptly respond to any requests for information or meetings.
- Ask for assistance if needed.
- Treat any person(s) involved in the complaint with respect.

The School will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.

Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000.

- Keep up to date records throughout the procedure.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly including the Head Teacher, clerk and Chair of Governors.
- Be aware of issues in regards to sharing third party information.

- Understand the complainant's need for additional support, including interpretation support, and be aware of any issues concerning this.

The complaint investigator is involved in stages one and two of the procedure, their role includes:

- Providing a sensitive and thorough interviewing process of the complainant in order to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and children.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and staff to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of action to take.
- Being mindful of timescales and ensuring that all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

The panel chair will:

- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any children involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the member of staff the opportunity to state their case and seek clarification without undue interruption.
- Provide copies of any written materials or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if necessary.
- Help to provide the support necessary where the complainant is a child.

All panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
  -Dismiss or uphold the complaint, in whole or in part.
  -Decide on appropriate action to be taken.
  -Recommend changes that the school can make to prevent a reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.

- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated as well as ensuring that the child's view is represented equally.

The panel clerk will:

- Minute all meetings.
- Continuously liaise with the Head Teacher and the Chair of the panel.
- Keep up to date records of all proceedings throughout the procedure.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

Making a Complaint

Littledean Church of England School will ensure that all aspects of the complaints procedure is:

- Easily accessible, simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform the school's senior leadership team.
- Fairly investigated, by an independent person where necessary.
- Used to address all issues in order to provide appropriate and effective responses where necessary.

Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale. Littledean Church of England Primary School upholds a three month time limit in which a complaint can be lodged regarding an incident. However, complaints made outside of this time limit will not be automatically refused and exceptions will be considered.

Complaints should be made using the appropriate channels of communication, including the Complaints Procedure Form (Appendix 1).

Complaints Procedure

Stage 1 - Complaint made to a member of staff

- The member of staff can discuss the complaint with the Head Teacher or School Business Manager in order to seek support.
- If the complaint concerns the Head Teacher, the School Business Manager will need to be informed who will then refer the complaint to the Chair of Governors.
- In case a complaint is made initially to a governor, the complainant should be referred to the appropriate person. The governor in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.
- The complainant and the member of staff should discuss the issues in a respectful and informal manner to seek a mutual resolution.
- If an appropriate resolution cannot be sought at this level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

Stage 2 – Complaint made to the Head Teacher

- Stage 2 of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to resolved in this timescale, the Head Teacher will contact the complainant to inform them of the revised target date via written notification.
- An appointment with the Head Teacher should be made as soon as reasonably practical, in order to avoid any possible worsening of the situation.
- If the complaint is against the Head Teacher, the complainant will initially need to write, in confidence, to the Chair of the Governing Body. The chair will seek to resolve the issue informally before moving directly to stage 3 of the procedure.
- In terms of a complaint being made against a member of staff, the Head Teacher will discuss the issue with the staff member in question. Where necessary, the Head Teacher will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.
- All discussions shall be recorded by the Head Teacher and findings and resolutions will be communicated to the complainant either verbally or in writing.
- Any further action the school plans to take to resolve the issue will be explained to the complainant in writing.
- If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage 3.

Stage 3 – Complaints appeal panel (CAP)

- Following receipt of a stage 2 outcome, the complaint should be made in writing, to the Chair of Governors within 10 school days.
- Written acknowledgment of the complaint will be made within 3 school days. This informs the complainant that a CAP will hear the complaint within 20 school days.

- The Chair of Governors, or other nominated governor, will convene a governing body CAP comprising 3 members of the governing body.
- If the complainant believes there is likely to be a bias in the proceedings they reserve the right to request an independent panel. Littledean C of E Primary School will consider such a request but ultimately the decision is made by the governing body.
- Five days' notice will be given to all parties attending the CAP, including the complainant.
- Prior to the hearing the clerk or Chair of Governors will have written to the complainant informing them of how the review will be conducted. The Head Teacher will also have a copy of this letter.
- At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.
- The CAP will consider issues raised in the original complaint and any issues which might have been highlighted during the procedure.
- The meeting should allow for:
  -The complainant to explain their complaint and the Head Teacher to explain the reasons for their decision.
  - The complainant to question the Head Teacher, and vice versa, about the complaint.
  -Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
  - Members of the CAP to question both the complainant and the Head Teacher.
  - Final statements to be made by both parties involved.
- The complainant will receive a written response explaining the final outcome within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

Interviewing witnesses

- When interviewing children in order to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of a criminal investigation exists, in the presence of their parents/carers.
- Littledean C of E Primary School will ensure that the conduction of interviews does not prejudice a LADO or police investigation.
- Littledean C of E Primary School understands the importance of ensuring a friendly and relaxed area which is free from intimidation.
- All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- Staff are allowed a colleague to support them in interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- The interviewer will not express opinions in words or attitude so as not to influence the interviewee.
- The interviewee will sign a copy of the transcription of the interview.

Recording a complaint

- A record shall be kept of any complaint made, whether via phone, in person or in writing, detailing the main issues raised, ready to discuss at a later date.
- Littledean C of E Primary School reserves the right to use recording devices, where appropriate, i.e. where there are communication difficulties or disabilities, to ensure that all parties involved are able to review the discussions at a later date.
- Details of any complaint made shall not be shared with the entire governing body unless completely necessary, in case an independent panel is needed to hear the complaint.
- The progress and final outcomes of a complaint will be recorded and kept up to date by the Head Teacher. All records will be held centrally.
- Complainants have the right to access copies of these records under the Freedom of Information and Data Protection Acts.

Complaints not covered by this procedure

Complaints regarding the following topics should be directed to the Local Authority:

- Statutory assessment of Special Education Needs and Disabilities
- School re-organisation proposals
- Matters which may require a Child Protection Investigation
- Admissions to schools

Complaints about children being excluded from the school should be dealt with by following the process explained at https://www.gov.uk/school-discipline-exclusions/exclusions .

Littledean C of E Primary School has an internal whistleblowing policy and procedure for all staff and volunteers. Complaints of this nature should not be addressed using the complaints procedure. These concerns can be directed to Ofsted at www.whistleblowing@ofsted.gov.uk .

Staff grievances and disciplinary procedures will be dealt with using the school's internal grievance procedure. In these cases, complainants will not be informed of the outcome of any investigations.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.

Exceptional circumstances

If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to Children's Social Care. If Social Care decide to investigate a situation, the Head Teacher or governing body may postpone the complaints procedure. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of special educational needs, and decisions to permanently exclude a child.

Appendix 1: Complaints Procedure Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Head Teacher (Mrs McGoldrick). If the complaint is against the Head Teacher you will need to send the form to the Chair of Governors (Mike Barnsley).

<table>
<tr><td>Name:</td><td rowspan="5">Address:</td></tr>
<tr><td>Pupil's name:</td></tr>
<tr><td>Pupil's date of birth:</td></tr>
<tr><td>Daytime telephone number:</td></tr>
<tr><td>Evening telephone number:</td></tr>
<tr><td>Email:</td><td>Postcode:</td></tr>
<tr><td colspan="2">What is your complaint concerning and what action would you like the Head Teacher to take?</td></tr>
<tr><td colspan="2">When did you discuss your concern/complaint with the appropriate member of staff?</td></tr>
<tr><td colspan="2">What was the result of the discussion?</td></tr>
<tr><td>Signed:</td><td>Date:</td></tr>
</table>

Appendix 2: Example letter to complainant for a stage 2 complaint

An example of a letter that the Chair of Governors may send to the complainant, upon receipt of a complaint at stage 2.

Dear (insert addressee's name)

Thank you for your letter dated (insert date) setting out the reasons why you are not satisfied with the Head Teacher's response to your complaint about (insert details of complaint).

I am writing to let you know that I will be arranging for a complaints appeal panel (CAP) to consider your complaint, in accordance with our school's complaints procedure.

As explained in the procedure, the (clerk/chair) of the CAP will advise, in writing, how the CAP intends to consider your complaint.

Yours sincerely

Chair of the Governing Body

Appendix 3: Example letter for complaints against the Head Teacher

Dear (insert addressee's name)

I have received your complaint against the Head Teacher of Littledean Church of England Primary School.

I write to let you know that I have forwarded a copy of your complaint to the Head Teacher with a request that she responds to the issues raised in the complaint within 10 school days.

A copy of the Head Teacher's response will be sent to you as soon as possible.

If you are not satisfied with the Head Teacher's response, I will arrange for a complaints appeal panel (CAP) to consider your complaint in accordance with stage two of the attached complaints procedure.

As explained in the procedure, the (clerk/chair) of the CAP will advise you, in writing, how the complaint will proceed.

Yours sincerely

Chair of the Governing Body

Reviewed: April 2016
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