Ombersley Endowed First School Complaints Procedure

We operate an open-door policy at Ombersley, and encourage parents to come in to discuss any issues. We recognise that the education and well-being of children is promoted when there is good communication and an active partnership between home and school.

Introduction

We strive to provide a good education for all our children at Ombersley. The Headteacher and staff work very hard to build positive relationships with all parents. However, the school is obliged to have procedures in place in case there are complaints by parents or guardians. The following policy sets out the procedures that the school follows in such cases.
If any parents are unhappy with the education that their child is receiving, or have any concerns relating to the school, we encourage them to talk to the child's class teacher immediately.

Aims and objectives

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints, and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child above all else. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

General Principles:

- This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides.

- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.

- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible.

Recording Complaints

- School will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was

discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record.

- All complaint meetings will be recorded by a digital recorder and witnessed by another member of staff. This is to ensure the accuracy of the complaint is recorded correctly, both for the parent and the school.
- The complaints co-ordinator Mrs Moore is responsible for the records and holds them centrally.

Governing Body Review

- The GB monitors the level and nature of complaints, and reviews the outcomes on a regular basis to ensure the effectiveness of the procedure, making changes where necessary. Complaints information shared with the whole GB should not name individuals in case an appeal panel needs to be constituted.
- As well as addressing an individual's complaints, the process of listening to and resolving complaints contributes to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed.
- The frequency with which the school complaints procedure must be reviewed is determined by the GB. The GB may also delegate responsibility to a committee of the governing body, an individual governor or the Headteacher.

Raising a concern or complaint

1) Stage 1 (informal): complaint heard by staff member

- If a parent is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher. In our experience, most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school and is making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress. We endeavour to see parents immediately, but when this is not possible an appointment will be given at the earliest convenience.

- Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

- It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator will refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.
- If the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

- Where the first approach is made to a governor, the complainant will be directed to the appropriate person and they will be advised about the complaints procedure. Governors do not act unilaterally on an individual complaint outside the formal procedure nor are they involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.
- Should any parents have a complaint about the Headteacher, they should first make an informal approach to one of the members of the governing body, who is obliged to investigate it. The governor in question will do all s/he can to resolve the issue through a dialogue with the school, but if parents are unhappy with the outcome, they can make a formal complaint, as outlined below.
- If you are uncertain about who to contact, please seek advice from the school office or the Chairperson of the governing body.

2) Stage 2 (formal): complaint heard by Headteacher

- Where parents feel that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Headteacher. The Headteacher considers any such complaint very seriously, and investigates each case thoroughly. Most complaints are normally resolved by this stage.
- At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
- If the complaint is about the Head Teacher, your complaint should be passed to the Chair of the governing body.
- The Headteacher will:
  - acknowledge receipt of the complaint.
  - write to the complainant with the outcome of the investigation
  - offer escalation to Stage 3 if dissatisfied.

3. Stage 3 (formal): complaint heard by Chair of Governors

- If the complainant is not satisfied with the response of the Headteacher or the complaint is about the Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.
- The Chair of Governors will:
  - Acknowledge receipt of the complaint
  - Write to the complainant with the outcome of the investigation
  - Ensure the complaints coordinator is informed of the outcome.
  - Offer escalation to Stage 4 if dissatisfied

4. Stage 4 (formal): complaint heard by Governing Bodies Complaints Appeal Panel

- The complainant should write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel.
- The Chairperson will:
  - Issue a letter inviting the complainant to a meeting
  - Issue a letter confirming the panel decision
  - Ensure the complaints coordinator is informed of the outcome

- Advise of escalation routes to the Secretary of State for Education

- The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.
- A meeting of the panel will take place, usually within 10 school days, to consider the matter.
- Individual complaints will not be heard by the whole GB 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 governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include: drawing up its procedures; hearing individual appeals; making recommendations on policy as a result of complaints.
- The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.
- Parents of pupils with additional needs can access support from the SENDIAS service.

The remit of The 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:

a. 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.
b. 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 that 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.
c. The 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 informal and not adversarial.
d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
e. The governors sitting on the panel need to be aware of the complaints procedure

Roles and responsibilities
The role of the clerk

The DfE strongly recommends 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 proceedings are accessible;
• collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);

• meet and welcome the parties as they arrive at the hearing;
• record the proceedings;
• notify all parties of the panel's decision.

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

The role of the Chair of the Governing Body or the nominated governor

The nominated governor role:
• Check that the correct procedure has been followed;
• If a hearing is requested, notify the clerk to arrange the panel.

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 useful 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 (including the reasons for the decision); this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. (This may be the LA.)

Final Stage

The final stage of appeal is to the Secretary of State for Education.
Complainants should be advised to write to The School Complaints Unit (SCU) at:
Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD

What will the Department for Education do?

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.
If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

Policy Reviewed: April 2020
Date of next review: Summer 2021

C. Moore

Review annually

Appendix 1 - Checklist for a panel hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The 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.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

Appendix 2 – Summary for Dealing with Complaints

Stage 1 – *Complaint heard by staff member*

- Ensure complaints co-ordinator informed of outcome
- If not resolved, then escalate to Stage 2

Stage 2 – *Complaint heard by* ***Headteacher***

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied

Stage 3 - *Complaint heard by* ***Chair of Governors***

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 4 if dissatisfied

Stage 4 – ***Governor's complaints panel*** *meeting arranged*

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Secretary of State for Education

APPENDIX 3
Contact/Complaints Triage Table

Nature of Contact	Appropriate person to receive contact	Relevant Policy/Procedure
Request for published information	School Office/ Website	Policies available on school website
Request for personal pupil information	Head Teacher or Senior member of staff	Communications Confidentiality Data Protection Charging Policy
Complaint about GB policy (content or application of)	Chair	General Complaints Procedure
Concern about provision of facilities or services by the school	Head Teacher Chair	General Complaints Procedure
Allegation about conduct of a member of staff	Head Teacher Or Chair (if allegation against head)	School Staff Discipline Procedure (Confidential to School and Employee)
Allegation of verbal or physical assault by employee on pupil	Head Teacher OR Safeguarding Designated person Or Chair (if allegation against head)	Local Safeguarding Procedures (Confidential to school, LA CPO and parents of alleged victim)
Allegation about capability of a member of staff	Head Teacher Or Chair (if allegation against head)	School Staff Competence Procedure (Confidential to School and Employee)
Conduct of another pupil (e.g. bullying)	Head Teacher or Senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of alleged perpetrator)
Discipline of a pupil	Head Teacher or Senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of pupil)
Content of /Failure to maintain a statement of SEN	Head Teacher /SENCO LA	LA procedures
Admissions	Chair/Clerk (Foundation/VA) LA (Community/VC)	Admissions Procedure Admissions Appeal Procedure
Exclusion	Chair/Clerk (Foundation/VA) LA (Community/VC)	Exclusion Appeal Procedure
Failure to provide NC Entitlement or Inappropriate Curriculum	Head Teacher Clerk to GB LA	LA Procedure
Decision to lift banning order for a person to enter school premises (banning)	Chair	Governing Body

Appendix 4

Ombersley Endowed First School Formal Complaint Form

Please complete this form and return it, via the school office, to the Head Teacher (or Chair of the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: ……

Relationship with school (e.g. parent of a pupil on the school roll):
……

Pupil's name (if relevant to your complaint):
……

Your Address:

Telephone numbers
Daytime: Evening:

e-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc…), to allow the matter to be fully investigated:

You may continue on separate paper if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork- if so please give details:

Signature:

Date:

School use: Date Form received: Received by: Date acknowledgement sent: Acknowledgement sent by:

Complaint referred to:			
Date:			

Appendix 5

Ombersley Endowed First School Complaint Review Request Form

Please complete this form and return it to Head Teacher (or Chair of the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: …….

Your Address:

Telephone numbers:
Daytime: Evening:

e-mail address:

Dear Sir

I submitted a formal complaint to the school on ……. and am dissatisfied by the procedure that has been followed.

My complaint was submitted to …… and I received a response from …….. on …….. .

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper if you wish.

Number of Additional pages attached =

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork?- if so please give details

Signature:

Date:

School use Date Form received: Received by: Date acknowledgement sent: Acknowledgement sent by:

Request referred to:			
Date:			

Appendix 6:

a) Response to spurious complainant

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the Governing Body's Complaints Procedure as:

[It will be appropriate to include SOME of the following statements]

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.

If you wish my decision to be reviewed then you may take advantage of the procedure set out in the school's Formal Complaint Procedure, by writing to the Chair of the Governing Body.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

Appendix 7

Acknowledgement of receipt of formal complaint *and* invitation to meet

Dear …….

I have received your formal complaint, dated …… . I am grateful that you have brought this to my attention.

The school and governing body take any complaint most seriously. Therefore I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful.

Please telephone……, in order to arrange an appointment./ I can offer you an appointment at …. on ,…….. Please let me know if this is convenient.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place. This should begin within 5 days of our meeting.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

Appendix 8

Acknowledgement of receipt of formal complaint referred by a third party [e.g. LA, MP]

Dear …….

I have received a copy of the documentation that you sent to ……. setting out a complaint about …….. . This has been passed to the school as it has responsibility for these matters.

The school and governing body take any complaint most seriously. Therefore I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful.

Please telephone ……, in order to arrange an appointment./ I can offer you an appointment at ……. on …….. . Please let me know if this is convenient.

Meanwhile I would be grateful if you would complete and return the Formal Complaint Form that is enclosed, along with details of the school's complaints procedure.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place. This should begin within 5 days of our meeting.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

Appendix 9

Acknowledgements of receipt of formal complaint and advising complainant that the matter is being dealt with under a confidential school procedure

Dear …….

I have received your formal complaint, dated …… . I am grateful that you have brought this to my attention.

The school and governing body take any complaint most seriously. Therefore I have initiated an immediate investigation. It is possible that the investigator will wish to meet with you to clarify the evidence that you have provided so far. If so, he/she will write to you to make suitable arrangements.

As your concerns relate to the conduct/capability of a member of staff, the investigation will be carried out under the school's personnel procedures. This means that the detail of the procedure and its outcome must remain confidential to the school and the member of staff concerned.
OR
As your concerns relate to the behaviour of a pupil, the investigation will be carried out under the school's pupil conduct and disciplinary procedures. This means that the detail of the procedure and its outcome must remain confidential to the school and the parents of the child concerned.

In due course, I may be able to provide you with some information about the outcomes of the investigation and the processes that have been followed, but in any event will let you know when the matter has been concluded.

If I can be of any further assistance, please do let me know.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

Appendix 10

NOTIFICATION OF DECISION REGARDING FORMAL COMPLAINT

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- The concern is not substantiated by the evidence in that ……

OR

- The concern was substantiated in part/in full, as ……. The school will review its practices/procedures……. with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur

OR

- In order to address fully the matters of concern that you identified, the panel
  recommended that the governing body should review its …….. policy, as a matter of urgency. We are confident that this should prevent similar concerns arising in future.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely,

Head Teacher/Chair of Governing Body/Chair of Panel