



Complaints Policy

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Brierley Primary School & Little Bears Nursery
Mirion Street
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Cheshire
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COMPLAINTS POLICY

Nurture, Aspire, Believe, Achieve

Introduction

All schools are required, by Section 29 of the 2002 Education Act, to establish a complaints procedure and to publicise that procedure. It is anticipated that this will include clear signposting to the procedure in any appropriate school publications, which should indicate that a copy of the full procedure is available on the school website and in the school office.

The intention of this procedure is to provide schools 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 should be settled within a period which is reasonable in the circumstances.

The procedure takes into account the principles laid down in the Department of Education guidance on school complaints procedures.

All references to working days refer to days on which the school is open to pupils and for staff training days.

This procedure has been agreed with Cheshire East Association of Primary Heads, Cheshire East Association of Secondary Heads, Cheshire East Association of Special School Heads, Cheshire East Association of Governing Bodies and the relevant Diocesan Authorities.

Scope of the Procedure

This procedure covers all complaints against the school by external persons/parties which do not have an alternative statutory avenue of appeal or complaint, i.e. admissions, exclusions, delivery of National Curriculum, some safeguarding children issues, provision of collective worship and religious education and SEN assessments. Where complaints make allegations of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure.

Employees of the school cannot use this procedure but, where necessary, should raise concerns via the appropriate staffing procedure, full details of which are available from the school.

General Principles

All complaints will be dealt with in a transparent way and as quickly as is reasonably practicable. Complainants will be kept informed during the investigation of their complaint and of the outcome, except where this is confidential, e.g. in the case of a staff disciplinary process. Every effort should be made to resolve complaints in a non-confrontational and informal way.

Where the timescales within this procedure cannot be adhered to, the complainant will be informed as to why this is the case, and given a revised timescale for dealing with the complaint. This should be done within the specified timescale.

Governing Bodies will ensure that they have appropriate arrangements for recording complaints and the way in which they are resolved. Further, that they will regularly (at least once per school year), monitor the nature and level of complaints, so as to best ensure the effectiveness of the procedure, and consider any underlying issues the school may need to address, including whether specific actions identified by governors' appeal panels have been addressed.

Advice on the operation of the procedure is available from the manager of the School Governance Service, who may also seek the advice and/or involvement of other Local Authority (LA) officers as appropriate. In exceptional cases a LA officer may agree to a request to attend a formal complaint hearing to advise the governors. Such requests should be made via the School Governance Service.

Resolving Complaints

At each stage in the procedure schools will want to consider the ways in which a complaint can be resolved. It might be sufficient to acknowledge that the 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.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

Vexatious Complaints

On very rare occasions complaints are made that are vexatious, in that an individual persists unreasonably with his/her complaints, or makes complaints in order to make difficulties for the school rather than genuinely to resolve a concern. 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.

The school may judge the complaint to be pursued in an 'unreasonable manner' where the frequency of contact with the school hinders consideration of the complaint and/or impedes the ability of the Headteacher and school to meet the needs of all pupils equitably.

Where the Head teacher, 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 the complainant and the school.

Where a complainant seeks 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 him/her that the procedure has been exhausted and the matter is closed.

Stages of the Procedure

Many concerns and minor complaints can be resolved quickly and informally. There are many occasions where issues are resolved immediately through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort should be made by the school to have a full discussion with the complainant before moving into the stages of this procedure.

INFORMAL - STAGE 1 (Initial concern)

If the concern/complaint is not resolved through such discussion, the complainant should seek an appointment with the Head teacher or with a member of the senior leadership team. The purpose of the meeting would be to establish the nature of the ongoing concern and hopefully resolve it to a satisfactory end. It is for the Head teacher to determine which staff members should attend any such meeting.

Individual governors are unable to act on a complaint outside of the procedure set out in this document.

FORMAL - STAGE 2 (Complaint heard by the Head teacher or senior member of staff)

If the complainant remains dissatisfied either with the way in which their concerns have been handled or their issue remains unresolved they may wish to ask the Head teacher/or senior member of staff, or an appropriate third party as decided by the Head teacher to hear the complaint. The head teacher/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.

The complaint should be made in writing and returned to the school office addressed to the Head teacher or senior member of staff. The head teacher/senior member of staff, or other member of staff nominated by him/her, will contact the complainant within 10 working days of receiving the complaint, or as soon as is reasonably practical to arrange a meeting at a mutually convenient time. The complainant will be permitted to bring a friend or representative at this stage. Where necessary the Head teacher/senior member of staff, or other nominated member of staff, will carry out a full investigation into the issues raised. The Head teacher/senior member of staff will give a written response to you within 10 working days of the meeting or as soon as is reasonably practical thereafter. Where the complainant declines the offer of a meeting this response will be made as soon as possible after they notify the school that you do not wish to meet. Normally this will be within 10 working days. Where they remain dissatisfied with this response, the complaint should move to the third stage of the procedure.

Where the complaint is against the Head teacher, 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.

FORMAL - Stage 3 (Complaint heard by the Chair of Governors/other governor)

If the complainant is still not satisfied with the response of the Head teacher/senior member of staff, a letter should be written 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. The letter or email can be sent via the school office. The complainant must not contact individual governors at their home address. The Chair/Vice Chair/nominated governor will make contact within 10 working days to offer to meet as soon as possible to discuss the concerns.

The Chair/Vice Chair/nominated governor will review the investigation and Head teacher/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.

The Chair/Vice Chair/nominated governor will communicate his/her response in writing as soon as possible but, in any case, within 10 working days of the meeting. If this is not reasonably practicable, the complainant will be informed in writing, with reason(s) for the delay.

If the offer of a meeting is declined the governor will inform the complainant of the outcome of the investigation within 10 working days of notification that the complainant does not wish to meet or as soon as is reasonably practicable afterwards.

Where the complainant is dissatisfied with this response the complaint should move to the appeal stage of the procedure.

APPEAL STAGE

If the complainant wishes to appeal against the decision made at the formal stage s/he must indicate his/her intention to do so within ten working days of receipt of the outcome of the formal stage.

The complainant should do this by sending a written appeal to the Clerk of Governing Body, either by letter or email, or, where the complaint is against the Chair, to the Vice-Chair or other nominated governor. This should state the original complaint and the reasons for on-going dissatisfaction.

Appeal to the Governing Body Stage

If the complainant wishes to appeal against the decision made at the formal stage s/he must indicate their intention to do so within 10 working days of receipt of the outcome of the formal stage. They 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 their reasons for appealing the outcome of the previous stages.

A governors' appeal panel will be convened, consisting of three governors who, where possible, have had no previous involvement in consideration of the complaint. 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 the complainant within 20 working days of receipt of request for an appeal. Every reasonable effort will be made by the clerk to agree the date and time with the complainant. 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 as soon as possible but, in any case, within 5 working days of the meeting. 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 problems of a similar nature do not happen again.

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

OPPORTUNITIES TO REQUEST A REVIEW

Complaining to the Secretary of State

If a complainant believes that the Governing Body has acted unreasonably s/he can complain in writing to the Secretary of State for Children, Schools and Families. Complaints to the Secretary of State are handled by the government's Department for Children, Schools and Families. The Schools Complaints Unit (SCU) Department for Education, 2nd Floor, Piccadilly Gate, Manchester, M1 2WD

Complaining to Ofsted

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

Before complaining to the Local Authority, the Secretary of State or Ofsted, it would usually be expected that all stages of this procedure had been exhausted.

The Role of the Cheshire East Information Advice and Support Service

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.

The service can help the complainant consider what their complaint is about and the options available to resolve it, including more informal measures that can be explored in the first instance. If the complainant wishes, the service can explain how to put a letter/case together to take the matter forward. Someone from the service can attend meetings and offer support but will not speak on the complainant's behalf or make decisions for them. The service also offers support after meetings have taken place to consider the conclusions of the meeting.

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

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 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 Academy 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.