Moat Farm Junior School Complaints Policy

To be adopted by all Sandwell Maintained Schools

This document should be tailored to meet the individual requirements of each school.

Sandwell Metropolitan Borough Council

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1.0 Introduction:

It is in everyone's interests that concerns are resolved/clarified at the earliest possible stage. Where concerns are raised the school will work with the individual who raised the concern to identify what would resolve the situation and then endeavour to find a resolution at the earliest opportunity.

In accordance with **Section 29 of the Education Act 2002**, all local authority-maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

Initial concerns should be dealt with by an appropriate member of staff. These should be taken seriously, and every effort made to resolve matters as quickly as possible. In certain cases, it may be appropriate to forward these to the Head Teacher (or to the Chair of Governors if the complaint is about the Head Teacher).

Where it is not possible to resolve concerns informally, the formal complaints procedure can be accessed.

This document outlines how complaints will be dealt with under the Formal Complaints Policy.

Complainants will always be given the opportunity to complete the complaints process in full, regardless of whether it is felt that that the complaint is justified or not.

If the complaints process is ongoing and further enquiries are received regarding the same subject, we will not respond to the new enquires/complaints. This is because it is unhelpful to have more than one investigation ongoing which duplicate the issues being investigated.

2.0 Complaints about services provided by external bodies using a school's premises

Where the school has third party providers offering community facilities or services through the school premise, or using school facilities, the providers must have their own complaints procedure in place. Any complaints made concerning third party providers will be dealt with under their own procedures. The governing body will ensure that providers have the correct processes in place to deal with any concerns or complaints and any issues should be raised with the provider directly.

3.0 Who can make a complaint?

Any person, including members of the public, may make a complaint about any provision of facilities or services that a school provides, unless statutory procedures apply (such as exclusions or admissions, a list is included within the next section).

4.0 Anonymous complaints

We will not normally investigate anonymous complaints. However, the Head Teacher or Chair of Governors, if appropriate, will determine where the complaint warrants an investigation.

5.0 Complaints received outside of term time:

Complaints made outside of term time will be receipted as having been received on the first school day after the holiday period.

6.0 Exclusions to the complaints procedure:

The following issues will not be subject to the school's complaints procedure as they are outside of the school's jurisdiction:

- admission to schools;
- exclusions from school;
- statutory assessments of Special Education Needs
- statutory proposals for school reorganisation;
- claims for damages
- staff grievance or disciplinary matters
- child protection issues;
- claims for damages.

Complaints made against school staff will be considered, however where it is determined that matters should be dealt with under the school's grievance and disciplinary procedures complainants will not be informed of the outcome.

Where a complaint relates to the behaviour of a pupil this may be subject to the school's conduct and disciplinary procedures and the detail will remain confidential to the school and the parents of the child involved.

Complainants can be assured that the complaints will be investigated fully but due to data protection information will not be shared with them in these circumstances.

Where complaints concern child protection matters these should be raised with the school but will not usually be considered as a formal complaint where there is likely to be a Child Protection Investigation.

Where a complaint is received which should not be dealt with as a formal complaint the school will write to the complainant to advise them of this and the reason for the decision. The school will confirm the correct process to be followed.

7.0 Accessibility

The school will ensure that the formal complaints procedure is:

- easily accessible and publicised both within the school and available on the school website;

- simple to understand and use;
- impartial and in the spirit of working together co-operatively to reach the best resolution for everyone;
- respectful of confidentiality for all.

8.0 Time limit for making a complaint:

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

9.0 Recording Complaints:

Formal complaints should be made on the form provided by the school, this is to ensure that there is an accurate record of the complaint and it is clearly understood. However, if complainants are unable to complete this form complaints will be accepted in the following ways:

- in person;
- by telephone; or
- in writing.

When a formal complaint is received the school will write to the complainant within five school days to confirm what will happen next and the anticipated timescales.

10.0 Keeping people informed

Each stage of the complaints process has an agreed timescale which should be adhered to. If for any reason this is not possible, the school/governing body will write to the complainant to explain the reasons and confirm when the action will be completed.

11.0 Stages of the complaints process:

The following outlines the stages of the formal complaints procedure. At the end of each stage of the procedure, complainants will be advised of how to progress to the next stage if they remain dissatisfied.

Stage	Timescale
Stage 1 Formal Complaint	• Letter to be sent within 5 days of the school receiving the complaint to confirm how the complaint will proceed with timescales. • Full response by school within 15 school days of receiving the complaint.
Request for stage 2 review	• To be made by complainant within 10 school days of receiving the outcome of the stage 1 complaint.

Stage	Timescale
School to acknowledge stage 2 request	• Acknowledgement letter to be issued within 5 school days
Panel meeting to hear the complaint	• Panel to meet within 20 working days of receiving the complaint
Stage 2 review panel arrangements confirmed	• At least 10 school days before the meeting the Clerk will confirm the date, time and venue and ask for any additional information to be provided at least 5 days prior to the panel
Panel decision to be issued	• Within 5 school days of the panel meeting
Request for LA review of process	• To be made by complainant within 10 school days of receiving the outcome of the stage 2 review.
Review by LA	• To be completed within 10 working days of receiving the request to review

Formal stage one: a formal complaint will be investigated by the Head Teacher or person nominated by the Head Teacher. The investigation will be completed within 15 school days and at the end of the investigation a full written response will be sent to the complainant.

If the formal complaint is about the Head Teacher, this will be dealt with by the Chair of Governors.

Complaints made against the Chair of Governors or any individual governors are addressed to the Clerk to the Governing Body. The Clerk should then arrange for the complaint to be heard by a suitably skilled and impartial member of the governing body (Stage 1) and then a committee at Stage 2.

Complaints made against the entire governing body or complaints involving both the Chair and Vice Chair should also be sent to the Clerk, who should then determine the most appropriate course of action. This will depend on the nature of the complaint.

Where a complaint relates to a member of staff this may be subject to internal staffing procedures and the outcome of such investigations will not be shared with complainants.

Where a complaint relates to the behaviour of a pupil this may be subject to the school's conduct and disciplinary procedures and the detail will remain confidential to the school and the parents of the child involved.

Complainants should be assured that the complaints will be investigated fully but due to data protection information will not be shared with them and this should be confirmed in writing.

Formal stage two: if stage one has been completed and the complainant wishes to take the matter further they can escalate their complaint to Stage 2. This will be a meeting with members of the governing body's complaints committee, which will be formed by the first three, impartial, governors available.

The request to progress to stage 2 should be made in writing within 10 school days of receiving the stage 1 response and addressed to the Clerk to Governors via the school office.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

The Clerk will write to the complainant to inform them of the date of the meeting. The school will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Chair will decide when to hold the meeting. It will then proceed in the complainant's absence based on written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting they will decide between themselves who will act as Chair of the Complaints Committee. If there are fewer than three governors available, the Clerk can source additional, independent governors from a different school. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide on whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making the decision they will be sensitive to the complainant's needs. If it is agreed to invite parties to a meeting, then all parties should be invited including the Stage 1 complaints investigator and the complainant.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, it is not encouraged for either party to bring legal representatives to the committee meeting. The meeting should be held in the spirit of reconciliation and attempt to reach a resolution which is acceptable to all.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- Request copies of any further written material to be submitted to the committee at least 5 days before the meeting

Any written material will be circulated to all parties at least 5 school days before the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the original complaint. New complaints must be dealt with at stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken. The Chair should arrange for either the Clerk or suitable person to record the minutes of the meeting

The committee will consider the complaint and all the evidence presented. The committee can:

- Uphold the complaint in whole or in part
- Dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the committee will:

- Decide on the appropriate action to be taken to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

Complainants have the right to request an independent panel if they believe that there is likely to be bias in the proceedings. The School will consider approaching a different school to ask for help or contact the local Governor Services team commissioned by the LA, or the Diocese. The school will consider any such request but ultimately, the final decision is made by the Chair of Governors.

The complaints panel will decide on whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making the decision they will be sensitive to the complainant's needs. If it is agreed to invite parties to a meeting, then all parties should be invited including the stage 1 investigator and the complainant.

12.0 Next Steps for complainants who remain dissatisfied with the way in which the investigation was conducted:

When stage 2 has been completed, this is the end of the school complaints procedure. If complainants are dissatisfied with the way in which the investigation was conducted, they may request a review of the procedure by the lLocal Authority.

If a complainant has completed the local procedures and remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of

State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

Further information can be obtained from the School Complaints Unit (SCU) by calling the National Helpline on 0370 000 2288 or going online at: www.education.gov.uk/help/contactus.

13.0 Social Media

Individuals who raise concerns are asked to comply with the school's guidance on social media which should be available on the school website, a complaint can be undermined by:

- Comments made on social media
- Identifying individuals staff on social media
- Personal abuse targeted towards individual members of staff
- Physical or verbal threats targeted to individuals or groups of staff

These behaviours amount to harassment and will be dealt with by the police.

14.0 Serial and Persistent Complainants

The school is committed to working with anyone who raises an issue to take this seriously and work towards finding a solution to concerns. Generally, this should be a straightforward process and the school values the feedback that we receive on services.

We accept that complainants may ask difficult questions where they believe that things have gone wrong and have a right to go through the complaints process. However, in a minority of cases people pursue their feedback in a way which is inappropriate

Where the school is contacted repeatedly by individuals making the same point or asking for reconsideration on our position, the school will need to take appropriate action. The school has a Serial and Persistent Complaints Policy for these difficult situations. This policy sets out what is unreasonable behaviour and the action that will be taken to address this. The procedure is available on the school website.

The application of a 'serial' or 'persistent' marking will be made against the subject of the complaint itself rather than the complainant.

Appendix 1 Model complaint form (Stage 1)

(Name of school) School Complaint Form

Please complete this form and return it to the school office or to the Head Teacher who will acknowledge its receipt within 5 school days 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	
Email:				

Please confirm below the details of your complaint, include dates, names of witnesses and any other information which is relevant to enable your complaint to be investigated. Please continue on a separate sheet if more space is required.

If you have taken any actions to try to resolve this complaint, please confirm the details below and include the names of people you have spoken to.

What actions do you feel might resolve the problem?

School use:

Date form received:	
Received by:	
Complaint being dealt with by:	
Date acknowledgment sent:	
Target response date:	

Appendix 2 Model complaint review request form (Stage 2)

(Name of school) School Complaint Review Request Form

Please complete this form and return it to the Clerk to the Governing Body (via the school office), who will acknowledge its receipt and inform you of what will happen next.

Your name

Your address:

Telephone numbers Daytime: Evening

Email:

Dear school,

I submitted a formal complaint to the school on _____ and am dissatisfied with the outcome.

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

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

I am dissatisfied with the outcome of my complaint for the following reasons:

Please use a separate sheet if necessary.

What actions do you feel might resolve the problem?

School use:

Date form received:	
Received by:	
Complaint being dealt with by:	
Date acknowledgment sent:	
Target response date:	

Appendix 3 Model guidance for all parties attending a complaints panel (Stage 2)

Complaint Panel meetings will be heard in the spirit of reconciliation and will focus on finding an acceptable resolution to the issues which have been raised. The Panel is not part of a legal process and no party should feel that they need to have legal representation. The Panel Chairperson will ensure that all parties have the opportunity to have their say and to be understood.

The Chairperson will decide on how the Panel should be run and if it is decided that the complaint will be heard in person by the Panel then both the parent/carer and the stage 1 investigator will be invited to attend.

The following contains guidance for people attending a complaints Panel:

1. Please make every effort to be punctual and arrive on time for the meeting.

2. Please make reasonable efforts to be available. If three dates have been offered which cannot be attended the Panel can decide to go ahead and hear the complaint without anyone attending in person.

3. If anyone has any special requirements, please inform the Clerk so that suitable arrangements can be made.

4. The Panel will want to hear about the complaint and the issues which remain unresolved and will invite everyone to have their say.

5. All attendees are requested to show respect to all during the meeting and address any questions through the Chairperson.

6. The minutes of the meeting will be noted by the Clerk to the panel as it is not permitted to record the meeting.

7. Representatives from the media are not permitted to attend.

8. Clerk will retain electronic copies and one master copy of the documentation. All other copies will be collected in and shredded.

Appendix 4 Model complaints meeting agenda (Stage 2)

1. The Chair of the Complaints Committee will welcome and introduce all parties.
2. The Chair will outline the process to be followed and how the decision will be reached.
3. The Chair will invite the parents/carers to present the complaint to the meeting.
4. The Chair will invite the Stage 1 complaints investigator to present their view.
5. All parties will have the opportunity to ask questions which should be addressed through the Chair.
6. All parties will have the opportunity to make any final comments.
7. The Chair will ask all to leave the room to allow the Panel to come to their decision. Before everyone leaves the Chair will inform both parties that they should receive a response from the Panel in writing within 5 school days.
8. The Panel will make their decision which will be recorded by the Clerk who will put this in writing for the Panel to be circulated to the complainant.
9. Clerk will retain electronic copies and a single hard copy of the papers used for the panel meeting. All other copies will be handed in to the school for shredding.