

September  
2018

# Complaints Policy

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| Adopted by Governors: | 5 <sup>th</sup> February 2019   |
| Signed                | <br>Mr D Convey, Vice-Chair |
| For review:           | September 2020  |

The School is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share this commitment.

**BALDWINS GATE CE (VC) PRIMARY SCHOOL**

# **Baldwins Gate CE (VC) Primary School**

# **Complaints Policy**

## **Purpose**

All schools are required by law to have a complaints policy. This policy should help resolve problems and provide a means for issues of concern to be raised and subsequently addressed. All complainants will be treated respectfully during and after the course of any complaints investigation and will receive a written response to their complaint, unless appropriate and reasonable measures have been put in place as a result of the 'Persistent and/or Vexatious Complainants' policy set out below.

## **Expressing Concerns (Stage 1)**

There are inevitably issues that arise that, if dealt with promptly and in a considerate manner, will avoid the need for a formal complaint. Any problem or concern should be raised promptly with the class teacher or member of staff responsible for the area you are concerned about. If your concern is more serious you may prefer to make an appointment to discuss it with the headteacher or a member of the school's leadership team. All staff will make every effort to resolve your problem promptly at this informal stage.

## **Formal Complaints**

Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. All details of a complaint will be kept confidential except in so far as they need to be shared with people who might contribute to their resolution. The complaint will be dealt with in line with the school's complaints procedure.

In most cases it will be your choice as to whether to mount a formal complaint, but the School reserves the right to utilise the formal complaint procedures where the School feels that 'informal' methods of resolving concerns have been exhausted but a complainant clearly remains dissatisfied.

It should be noted that some outcomes of a complaint may lead to action being initiated under other formal procedures, such as safeguarding or disciplinary matters. Where this is the case you will be advised and informed of the procedures that are to be followed. It should be noted, however, that the school will not necessarily be able to provide you with the details of the outcome of those procedures for data protection reasons or otherwise, depending on the circumstances.

If a formal complaint is made to the School you will be provided with a copy of this complaints policy. It is not a requirement that a formal complaint is made in writing, but the school will need to be clear what the complaint is about, and may therefore request clarification from you before investigating the complaint.

Please be aware that the School reserves the right not to review a complaint made by a complainant that has not been brought to the attention of the school within 8 weeks of the alleged incident occurring. However, the School will consider any complaint outside of that timescale in certain circumstances.

## **Stage 2 (Headteacher or Chair of Governors)**

It may be that the headteacher has not been aware of the concern raised prior to this point. At this stage the headteacher will seek to investigate your concerns, as well as attempting to resolve the matter to the satisfaction of all concerned. This may involve having a discussion/meeting with you.

If the complaint is about the headteacher it will be considered by the Chair of Governors (“the Chair”) at this stage. The Chair will seek to resolve the matter through discussion with the headteacher and you. In doing so and, if considered appropriate, the Chair may wish to meet with you in person.

The School will endeavour to respond, in writing to a Stage 2 complaint within 10 school days (2 weeks) after receiving the complaint.

Where concerns cannot be resolved by the headteacher (or the Chair if applicable) then you will be advised that details of your continuing concerns will be accepted either in writing or verbally and then referred to the Governing Body’s Complaints Committee (**Stage 3**). The attached form **Appendix 1** may be used for this purpose if you wish, and it would also be useful if you were able to state what actions you feel might resolve the problem.

## **Stage 3 (Governing Body Complaints Committee)**

If a complaint has been referred to a governing body complaints committee (“the Panel”) then the Panel will arrange to meet to consider the complaint. The Panel will endeavour to provide you with a written response within 20 school days (4 weeks) after the meeting.

Membership of the Panel will do their best to ensure that there is a cross-section of the different categories of governor to ensure impartiality. The headteacher and chair of governors will not be members of this panel, which will elect its own chair, although one or both may be present at the meeting held to consider the complaint.

You will be given the opportunity to attend the complaints meeting to make representations in person, and you will have the right to bring a friend/family member or other supporter. The Panel will therefore meet at a time and a venue convenient to all parties. If you decide not to attend the complaints meeting, it may be held in your absence.

The Panel may request the services of a Clerk.

## **Governing Body Complaints Committee (the Panel) – Procedure**

The Panel will want to ensure that the nature of the complaint is understood and, where possible, will seek to establish from you what actions you feel might resolve the problem. In helping to reach a conclusion, the Panel will seek to identify possible sources of information and advice to help collate the necessary evidence.

As indicated above, you will be given the opportunity to attend the complaints meeting and will have the right to bring a friend/family member or other supporter. In normal circumstances the headteacher and/or chair of governors may also attend the meeting, but will not take any part in the decision-making process. A typical complaints meeting may adopt the following structure:

- The meeting will be as informal as possible.
- Witnesses may be required to attend but only for the part of the meeting in which they give their evidence.
- After introductions, you will be invited to explain your complaint, and you will be followed by your witnesses (if any).
- The headteacher/chair of governors may ask questions of both you and your witnesses after each has spoken.
- The headteacher/chair of governors will then be invited to explain the school's actions and will be followed by the school's witnesses.
- You may ask questions of both the headteacher/chair of governors and the witnesses after each has spoken.
- The Panel may ask questions at any point.
- You will then be invited to sum up your complaint.
- The headteacher/chair of governors will be invited to sum up the school's actions and response to the complaint.
- The panel chair will explain that both parties will hear from the Panel in writing within a set time scale.
- Both parties leave together while the panel remains to decide on the issues and reach a conclusion.

The above procedures for the complaints meeting may vary with the approval of all parties, for example you may wish to meet the Panel without the headteacher being present. Where this is the case you should be aware that it will still be necessary for the Panel to meet with the headteacher as part of the process.

## **Outcomes of Investigations**

Whether the complaint has been investigated by the headteacher, chair of governors or a complaints committee, a written response will be sent to you outlining the outcome of the investigation, detailing how the conclusion has been reached, and enclose a copy of the minutes. The letter will also tell you where to next take the complaint, if you are not satisfied with the response provided.

The Complaints Committee may reach the following conclusions:

- 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

The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between you and the school. Nevertheless, it is acknowledged that sometimes you may not be satisfied with the outcome if matters are not found in your favour.

## **Persistent or Vexatious Complaints**

You may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all your concerns and meet all your wishes. Sometimes it is preferable to 'agree to disagree' and move on.

If you do continue to make representations to the school on the same issues, the Governing Body reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed. Should you then write to the School again on the same issue (s), there is no obligation on the School to respond to you in that case.

Correspondence received from any complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.

## **The Role of Staffordshire County Council (Local Authority)**

The Local Authority does **not** have a statutory duty to consider school complaints and you do **not** have a right of appeal to the Local Authority should you disagree with a decision of the governing body. You may, however, raise the matter with the Local Authority if you consider the complaint wasn't investigated properly or fairly. So long as the governing body followed a proper procedure and considered the complaint in a reasonable manner, then the Local Authority will simply inform you of that fact. It cannot reverse a decision of the governing body.

If you wish to raise the matter with Staffordshire County Council please write to:

Commissioner for Learning and Skills  
Wedgwood Building  
Tipping Street  
Stafford ST16 2DH

In your letter please explain:

- what your complaint to the governing body was;
- what response they have made to it;
- why you think that the governing body has not followed a proper procedure in considering your complaint, and/or
- why you think that their consideration of it was unreasonable.

You will receive a written response to inform you of any further enquiries made into your complaint.

### **The Role of the Secretary of State for Education (the Department for Education)**

If you still remain dissatisfied and feel that the School has not followed the appropriate procedure, any relevant policies, or has failed to discharge a statutory duty, you may wish to refer your complaint to the **School's Complaints Unit (SCU)** within the Department for Education at the address below:-

The Schools Complaints Unit  
Department for Education  
2<sup>nd</sup> Floor Piccadilly Gate  
Manchester  
M1 2WD

Please note that the SCU will not re-investigate the substance of the complaint as this remains the responsibility of the School, but if legislative or policy breaches are found, SCU will report them to the School and, if necessary require the School to take remedial action.

**Baldwins Gate CE (VC) Primary School**

**COMPLAINTS FORM**

Please complete and return to Mrs C Lowe (Headteacher) who will acknowledge receipt and explain what action will be taken.

|   |  |
|---|--|
| Your name:  |  |
| Pupil's name:   |  |
| Your relationship to the pupil:   |  |
| Address:  |  |
| Daytime telephone number:   |  |
| Evening telephone number:   |  |
| Email address:  |  |
| Please give details of your complaint:  |  |
| What action, if any, have you already taken to try and resolve your complaint.<br>(Who did you speak to and what was the response)? |  |

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: