

**YARDLEY GOBION CE  
PRIMARY SCHOOL**

**Complaints  
Policy**

*"Using the talents God gave us to achieve and shine"*

God's voice thunders in marvellous ways;

He does great things beyond our understanding.

.Job 37: 5



<b>POLICY TITLE:</b>	<b>Complaints Protection Policy</b>
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<b>POLICY OWNERSHIP:</b>	
<b>School</b>	<b>Head Teacher</b>
<b>Governors</b>	<b>Chair of Governing Body</b>

<b>POLICY IMPLEMENTATION DATE:</b>	<b>March 2019 - Updated 2021</b>
<b>POLICY REVIEW DATE:</b>	<b>July 2023</b>

## **POLICY REVIEW DOCUMENT HISTORY**

This policy is monitored by the Policy Owner(s) and will be reviewed every year, or as dictated by school requirements or legislation.

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Amendment</b>	<b>Approval / Adoption</b>
1	01/02/19	V. Griffiths	NEW Policy	
2	05/07/21	V. Griffiths	New Policy	Reviewed by J. Hammond CoG

## **IMPLEMENTATION / UPDATING**

Following approval, it is the responsibility of the Policy Owner(s) to ensure that the policy is:-

- circulated to all relevant stakeholders
- uploaded onto the school website

## **RESOURCE IMPLICATIONS**

Training time to staff and cost of update training.

## **REFERENCES/LINKS/CONSULTATION**

## **LEGAL COMPLIANCE & EQUALITY STATEMENT**

At the time of ratifying this policy, the policy owner was satisfied that, to the best of their knowledge, this document complies with all relevant legislation.

The school is committed to the principles of Equality and under this policy no person will be treated less favourably on grounds of race, colour, nationality, ethnic or national origin, disability, gender, marital or parental status, age, religion or belief, sexual orientation, proposed or actual gender re-assignment, economic group, employment status, or any other condition or legally protected characteristic which cannot be shown to be wholly justified in relation to the effective operation of the school.

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## **1. Policy Statement**

- 1.1 This Policy is subject to the published Equality Information, in line with the Equality Duty 2011 and is underpinned by the Christian beliefs and values of our school

## **2. Scope**

- 2.1 We are committed to providing the best possible education for the children in our care, and a high quality service for our parents. However, every so often someone comes away from school feeling more than a bit disgruntled. Perhaps you felt that your child had been unfairly treated, or that a member of staff had not dealt with a matter properly. Perhaps you felt that you were not treated with respect or courtesy.
- 2.2 Unfortunately, these things can sometimes happen. We know we are not perfect, but we aim to be. That is why we have a complaints procedure. Sometimes we can put things right; sometimes we can only explain ourselves and apologise. But we do want to learn from our mistakes. What you tell us helps us to look at how we do things and helps us to improve our school.
- 2.3 We want to provide the best possible service and we always want to resolve any complaints as quickly as possible. We will therefore listen/read carefully what is said and respond. Misunderstandings can often be sorted out on an informal basis. Do not be afraid to contact your child's Class Teacher - she or he might be able to iron out the problem straightaway. However, if you feel the problem needs to be looked at and put on an official footing, you could speak to us via the school office.
- 2.4 To make sure that all complaints are handled efficiently and fairly, we have a procedure. This runs through various stages when complainants continue to feel unhappy with the response they have received.

## **PROCEDURE**

### **3. Stage 1 - Initial Approach**

- 3.1 Parents should make an appointment to have an informal discussion of their concerns with an appropriate member of staff, usually in the first instance this will be their child's Class Teacher. This discussion will aim to clarify the nature of the parent's

concern and assure them that the School wishes to hear about it. The discussion will also aim to clarify what kind of outcome the parent is seeking.

- 3.2 If the member of staff first contacted cannot deal with the matter immediately, she/he will make a firm arrangement to deal with it at a future date or refer the matter to the Headteacher or another appropriate member of staff. In either case, a note of the name, date and contact details of the complainant will be taken. The first contact should check later to make sure the referral has been successful.
- 3.3 The Head teacher should ensure that staff have guidelines about when to refer a matter and to whom.
- 3.4 If the concern relates to the Headteacher, and the parent feels unable to raise it with the Headteacher, they should contact the Chair of Governors.
- 3.5 The staff member / Headteacher dealing with the complaint will make sure that the complainant is clear about what will happen next (if anything). This should be put in writing.
- 3.6 If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support that may be available to them.

#### **4. Stage 2 - Formal Complaint to Headteacher or Chair of Governors**

The Governing Body should not become involved at this stage to avoid prejudicing their possible future involvement.

- 4.1 If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support that may be available to them.

#### **5. Stage 2 - Formal Complaint to Headteacher or Chair of Governors**

The Governing Body should not become involved at this stage to avoid prejudicing their possible future involvement.

- 5.1 Parents who wish to pursue a formal complaint at Stage 2 should put their complaint and their desired outcome in writing to the Headteacher or Chair of Governors. (A template complaint form can be found at Appendix A). The Headteacher / Chair of Governors will acknowledge the complaint orally or in writing within 5 working days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within 10 working days. If it is not

possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.

- 5.2 The Headteacher / Chair of Governors may offer an opportunity for the complainant to meet him / her. The complainant will, if she / he wishes, be allowed to be accompanied by a friend or relative who may assist the complainant in presenting their complaint. Interpreting facilities will be made available if required.
- 5.3 If necessary, the Headteacher/Chair of Governors will interview any witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also be interviewed, normally with parent/guardian present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the pupil feels comfortable will attend with him/her.
- 5.4 The Headteacher / Chair of Governors will keep written records of meetings, telephone conversations and other documentation.
- 5.5 Once all the relevant facts have been established, the Headteacher / Chair of Governors will either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting will be followed up with a letter summarising the outcome of the meeting. The complainant will be advised in this letter that if they remain unhappy with the outcome, she / he may appeal to a panel of Governors. The complainant should notify the Chair of Governors within 5 working days of receiving the letter detailing the outcome of the complaint.

## **6. Stage 3 - Appeal to Panel of Governors**

The aim of the Appeal to a panel of Governors is to resolve the complaint and achieve reconciliation between the School and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.

- 6.1 Once all the relevant facts have been established, the Headteacher / Chair of Governors will either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting will be followed up with a letter summarising the outcome of the meeting. The complainant will be advised in this letter that if they remain unhappy with the outcome, she / he may appeal to a panel of Governors. The complainant should notify the Chair of Governors within 5 working days of receiving the letter detailing the outcome of the complaint.

## **7. Stage 3 - Appeal to Panel of Governors**

The aim of the Appeal to a panel of *Governors* is to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.

- 7.1 Once all the relevant facts have been established, the Headteacher / Chair of *Governors* will either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting will be followed up with a letter summarising the outcome of the meeting. The complainant will be advised in this letter that if they remain unhappy with the outcome, she / he may appeal to a panel of *Governors*. The complainant should notify the Chair of *Governors* within 5 working days of receiving the letter detailing the outcome of the complaint.

## **8. Stage 3 - Appeal to Panel of Governors**

The aim of the Appeal to a panel of *Governors* is to resolve the complaint and achieve reconciliation between the School and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.

It is important, should a complaint reach the Appeal stage that the *Governing Body* is impartial and independent and is seen to be so. Individual complaints should not be considered by the full *Governing Body*. The *Governing Body* will, therefore, establish a panel to deal with the complaints by nominating a pool of *Governors* from which 2 can be drawn for any hearing. Only the 2 *Governors* selected for the hearing should be privy to any information and/or documentation concerning the complaint. In addition an independent member not involved with the management or running of the academy is to sit on the panel. Panel members should have had no prior involvement with the complaint. Generally, the Chair of *Governors* will not be on the panel as she/he may be involved at the earlier stage. *Governing Bodies* should have regard to the advantages of having a mix of types of *Governor* on the panel and be sensitive to issues of equal opportunity in the composition of the panel.

Individual *Governors* should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual *Governors* are approached by parents or others with complaints, they should refer the complainant to the School's Complaints Procedure, making the necessary introduction to a member of staff or Headteacher if appropriate.

Complaints that reach the Appeal stage will do so because the complainant is not satisfied with the response so far. In this situation, it is perhaps helpful for the *Governing Body* to view any complaint as being against the School rather than an individual staff member whose actions may have led to the original complaint.

- 8.1 Upon receipt of a written request from the complainant for the complaint to proceed to Stage 3, a suitable Clerk to the panel will be appointed.
- 8.2 The Clerk will write acknowledging receipt of the written request, informing the complainant that it will be heard by a committee of the Governing Body ("the panel") within 20 working days of receipt.
- 8.3 The Clerk will convene a meeting of the complaints panel at a time which is convenient for the complainant and the School.

The Clerk will ensure that the complainant, Headteacher and any other witnesses are given at least 5 working days notice in writing of the date, time and place of the Hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant will also inform him/her of their right to be accompanied by a friend/relative who may assist the complainant in presenting their complaint. The Chair will ensure that interpretation facilities for the Hearing are offered and made available if required. The letter will set out the procedure for the conduct of the Hearing (see Appendix B) and the complainant's right to submit further written evidence to the panel.

8.4 Once all the relevant facts have been established, the Headteacher / Chair of Governors will either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting will be followed up with a letter summarising the outcome of the meeting. The complainant will be advised in this letter that if they remain unhappy with the outcome, she / he may appeal to a panel of Governors. The complainant should notify the Chair of Governors within 5 working days of receiving the letter detailing the outcome of the complaint.

## **9. Stage 3 - Appeal to Panel of Governors**

The aim of the Appeal to a panel of Governors is to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.

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Individual Governors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual Governors are approached by parents or others with complaints, they should refer the complainant to the Academy's Complaints Procedure, making the necessary introduction to a member of staff or Headteacher if appropriate.

Complaints that reach the Appeal stage will do so because the complainant is not satisfied with the response so far. In this situation, it is perhaps helpful for the Governing Body to view any complaint as being against the Academy rather than an individual staff member whose actions may have led to the original complaint.

- 9.1 Upon receipt of a written request from the complainant for the complaint to proceed to Stage 3, a suitable Clerk to the panel will be appointed.
- 9.2 The Clerk will write acknowledging receipt of the written request, informing the complainant that it will be heard by a committee of the Governing Body ("the panel") within 20 working days of receipt.
- 9.3 The Clerk will convene a meeting of the complaints panel at a time which is convenient for the complainant and the School.
- 9.4 The Clerk will ensure that the complainant, Headteacher and any other witnesses are given at least 5 working days notice in writing of the date, time and place of the Hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant will also inform him/her of their right to be accompanied by a friend/relative who may assist the complainant in presenting their complaint. The Chair will ensure that interpretation facilities for the Hearing are offered and made available if required. The letter will set out the procedure for the conduct of the Hearing (see Appendix B) and the complainant's right to submit further written evidence to the panel.
- 9.5 The Clerk will invite the Headteacher to attend the Hearing and to submit a written report for the panel in response to the complaint. The Headteacher may also invite the Chair of Governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and / or in person to the complaint. Any involvement of other staff will be at the discretion of the Chair of the Panel.

- 9.6 All relevant documents should be received by all parties (including the complainant) at least 5 working days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
- 9.7 The panel will elect a chairperson who should ensure that proper minutes of the meeting are taken.
- 9.8 The Chair of the panel should try to ensure that the proceedings are as sufficiently informal as possible and that the complainant and other participants feel at ease.
- 9.9 At the conclusion of the representations and questions, the Chair should explain that the panel will consider the issues and write to both parties with their decision within 5 working days.
- 9.10 All except for the Governors Panel and any advisors should then withdraw and the panel should consider the evidence. The Clerk will remain to minute the rationale for the decision and the outcome. These minutes should include - a Judgement about the validity of the complaint; appropriate action to be taken by the School and / or the parent and where appropriate; recommendations on changes to the School's systems or procedures to ensure similar problems do not arise in the future.
- 9.11 The School should ensure that a copy of all correspondence and notes are kept confidentially on file in the School. Except where the Secretary of State or a body conducting an inspection under Section 109 of the Education and Skills Act 2008 requests to them. This should be separate from the pupils' personal records.
- 9.12 The broad outcome recommended by the panel can be reported to the next Full Governing Body or appropriate committee with the identity of all those taking part kept confidential. The Governing Body should monitor implementation of the recommendations.
- 9.13 The decision of the Appeal panel is final but complainants that are not satisfied with the way in which their complaint has been handled by the Academy, are to be made aware of the Education Funding Agency's complaints system which can be found at the following:

<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

**APPENDIX A**

**EXAMPLE OF A COMPLAINT FORM**

Please complete and return to [*insert name*] who will acknowledge receipt and explain what action will be taken.

<b>Your Name:</b>
<b>Pupil's Name (if relevant):</b>
<b>Your relationship to the pupil (if relevant)</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Daytime telephone number: Evening telephone number:</b>
<b>Please give details of your complaint</b>
<b>What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)</b>

**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:**

**Appendix B**

1. Procedure for the conduct of a Stage 3 Governors Panel Hearing
  - 1.1 The Chair of the panel should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
  - 1.2 The Chair should explain to all present that the purpose of the Hearing is to review the complaint and try to resolve it and achieve a reconciliation between the School and the complainant. However, it may only be possible to establish the factors of a situation and make recommendations about further action.
  - 1.3 The Chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines
    - The complainant describes his / her complaint and may call witnesses
    - The Headteacher may seek clarification from the complainant and any witnesses
    - The Governors Panel or its advisors may seek clarification from the complainant and any witnesses
    - The Headteacher will respond to the complaint and may call witnesses
    - The complainant may seek clarification from the Headteacher and any witnesses
    - The Governors Panel (including any Advisors) may seek clarification from the Headteacher and any witnesses
    - The Complainant will be given the opportunity to sum up
    - The Headteacher will be given the opportunity to sum up
    - Both parties will leave the room to allow the Panel to deliberate but any advisors may remain to offer technical and procedural advice
    - The Panel should make a decision or judgement on
      - the validity of the complaint
      - Appropriate action to be taken by the Academy and / or parent

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- and where appropriate recommendations on changes to the Academy's systems or procedures to ensure similar problems do not arise in the future

1.4 The decision or judgement will be confirmed in writing within 5 working days.