

**WEST SUSSEX COUNTY COUNCIL**

# **Sidlesham Primary School**

*A Little School Where Big Things Happen*



## **Complaints Policy**

**May 2020**

This document is a statement of the aims, principles and procedures at Sidlesham Primary School. It was reviewed from the policy of 2017. The review date is May 2021.

## Complaints Procedure

### The difference between a concern and a complaint

A **Concern** may be defined as an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

A **Complaint** may be generally defined as an expression of dissatisfaction, about actions taken or a lack of action.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined in this policy.

### Our Procedure

Our Complaints procedure will ensure:

- It is easily accessible and publicised on the school website and paper copies are available from the school office upon request;
- It is simple to understand and use;
- It is impartial;
- It is cooperative to all parties;
- It enables a full and fair investigation by an independent person where necessary;
- It respect people's desire for confidentiality;
- It will be focused on outcomes;
- It has established time limits for actions;
- It keeps people informed at all stages;
- It addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
- It provides information to the school's senior management team so that services can be improved.

## The staged approach

### Overview

#### Stage 1 (Informal)

We would expect that the vast majority of concerns or complaints can be **dealt with effectively by the school staff**. Staff may record the concern, depending on the severity of the complaint. (Please see Appendix 1)

#### Stage 2 (Formal)

If a concern or a complaint remains unresolved, it should then be **addressed to the Headteacher** (not the Chair of Governors) and the Headteacher should be given every opportunity to resolve the complaint. Minutes of all meetings will be taken.

#### Stage 3 (Formal)

If parents are not happy with the Head teacher's response, or if the complaint is about the Headteacher, and after speaking to her they are not happy with the response, they then have the option of **completing the Complaint form and returning it the school office marked private and confidential to the Chair of Governors** who will acknowledge receipt. The Chair of Governors should be given every opportunity to resolve the complaint. Minutes of all meetings will be taken. (Please see Appendix 2)

#### Stage 4 (Formal)

Governors will convene a Complaints Panel if all previous stages have been exhausted and if they have received a complaint in writing to The Clerk of the Governing Body c/o the school office and marked 'Private and confidential' to request that their complaint is heard by a Complaints Appeal Panel.

## **Guidance on the Stages of the Procedure**

There are four stages to this procedure:

- Stage 1 is informal
- Stage 2 is formal
- Stage 3 is formal
- Stage 4 is formal

Any person expressing continued dissatisfaction should be advised of the next stage in the procedure.

### **Stage 1: (Informal) Complaint heard by staff member.**

- In the first instance the complainant should make an appointment to discuss their concern with the appropriate member of staff.
- The complainant can bring a companion with them to any proposed meeting.
- As good practice a written record may be made of the meeting if deemed appropriate. If recorded, all parties will have access to the record. (Appendix 1)
- The person facilitating the meeting will ensure all parties are clear about any actions that have been agreed as a result.
- This stage will be dealt with as speedily as possible and concluded in writing, with a resolution as appropriate.
- If no satisfactory resolution is reached the complainant can refer the complaint to the headteacher (if the headteacher was not the member of staff the concern was initially discussed with).
- If the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher may consider referring the complaint to another member of staff. The member of staff may be more senior but this is not a requirement. The ability to consider the complaint objectively and impartially is crucial.
- Where the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors will not act on an individual complaint outside the formal procedure as they may be needed to sit on a panel at a later stage of the procedure.

### **Stage 2: (Formal) Discuss concerns formally with the Headteacher**

- Once the complaint has been referred, the headteacher will gain clarity over the complaint and gain any supplementary information which has led to resolution at this stage.
- The headteacher will meet with the complainant and subject of the complaint.
- The headteacher will meet, as appropriate, with any witnesses and take statements from those involved.
- Minutes will be made and notes will be kept of all meetings, conversations and of any receipt of any documentation.

- After establishing all the relevant facts, a written response will be recorded and sent to the complainant. The headteacher may meet with the complainant again; to discuss their findings as he/she decides is appropriate.
- The written log / record and response will include a full explanation of the decision reached and reasons for this. If any action is to be taken at the school, this will also be identified.
- The Stage 2 processes will take place within a reasonable time, and usual practice is that this may take up to 10 school days, however, every complaint is different and this may not always be possible. The headteacher will keep the complainant and member of staff informed in writing of the on-going timescale.
- If the complainant is not satisfied with the outcome of the Stage 2 investigation, or if the complaint is about the headteacher and the response is not satisfactory, the complainant should write to the Chair of Governors to request that their complaint is considered further.

### **Stage 3: (Formal) Complaint heard by the Chair of Governors or another nominated governor**

- If the complainant is not satisfied with the response of the headteacher or if the complaint is about the headteacher, and the response is not satisfactory, the complainant should obtain a Complaint form from the school office and complete it and send it to 'The Chair of Governors' via the school office marked 'Private and Confidential' to request that their complaint is considered at Stage 3. (Appendix 2)
- Once the complaint has been received, the Chair of Governors (or another governor nominated by the Chair of Governors) will gain clarity over the complaint and gain any supplementary information which may lead to resolution at this stage.
- Acknowledgement of the complaint will be sent by the Clerk to the Governing Body within 5 school days.
- The Chair of Governors (or nominated Governor) will meet, as appropriate with any witnesses and take statements from those involved.
- Minutes will be made by a separate person of all meetings, conversations and of the receipt of any documentation.
- After establishing all the relevant facts, a written response will be recorded and sent to the complainant via 'The Clerk to The Governing Body'. The Chair of Governors (or nominated governor) may meet with the complainant to discuss their findings as he/she decides is appropriate.
- The written record and response will include a full explanation of the decision reached and the reasons for this.
- The Stage 3 processes will take place within a reasonable time, and usual practice is that this may take up to 10 school days, however, every complaint is different and this may not always be possible. The Chair of Governors (or nominated governor) will keep the member of staff and the complainant informed in writing of the on-going timescale.
- If the complainant is not satisfied with the outcome of the Stage 3 investigation the complainant should write to the Clerk to the Governing

Body c/o the school office and marked 'Private and Confidential' to request their complaint is considered by a Complaints Appeal Panel.

#### **Stage 4 (Formal) Complaint heard by Governing Bodies Complaints Appeal Panel.**

- The complainant should write to the Clerk to the Governing Body c/o the School Office and marked 'Private and Confidential' giving full details of the complaint and requesting the Complaints Appeal Panel consider the matter. The Clerk to the Governors will acknowledge receipt within 5 school days.
- The Chair of Governors, or if the Chair has been involved at any previous stage in the process, another nominated governor will reconvene a Governing Body Complaints Appeal Panel.
- In line with good practise a Clerk will be appointed to the Governing Body Complaints Appeal Panel at the start of Stage 4 to support the process and be the point of contact for the complainant.
- 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 Clerk to the Governing Body Complaints Appeal Panel will:
  - a. Set a convenient date, time and venue for the complaint to be heard;
  - b. Deal with all administration of the procedure;
  - c. Take notes at any meetings;
  - d. Be a single point of contact to facilitate communication between all parties;
  - e. Draft and despatch letter as required;
  - f. Liaise with the LA and other agencies for support/advice as requested.
- The Complaints Appeal Panel must be established by drawing on governors with no prior involvement with the complaint. It will aim to provide a cross section of governors. If this is not possible the Governing Body will consider approaching and appointing governors from neighbouring maintained schools.
- The headteacher must not serve on the Complaints Appeal Panel. The Chair of Governors must not serve on the Complaints Appeal if s/he has had any prior involvement with the complaint.
- The Complaints Appeal Panel will be provided with any collated written material, reports, and relevant information and will consider the complaint on the basis of the written evidence available. The Complaints Appeal Panel may decide to request further clarification from the complainant and headteacher before writing and notifying them of arrangements for the formal panel meeting. Any additional information received by the Complaints Appeal Panel must be shared with all parties prior to the meeting.
- The Complaints Appeal Panel will look at the written evidence in the formal panel meeting. All parties will be invited to attend. There is no right to appeal against the Panel's decision.

- Panel members will decide how the meeting will be conducted and who is present. The panel will invite all to attend at the same time.
- The Clerk will write to all relevant parties informing them of the date and time of the meeting and give an outline of how the meeting will be conducted. The Clerk must include a copy of all relevant documents, policies or procedures that will be considered by the Panel at the meeting. Notification of the Panel meeting must be sent within five school days before the meeting. All parties should acknowledge receipt of the meeting notification and all related documentation itemised in the accompanying letter.
- Within reason, the Clerk will arrange a date and time for the Panel meeting that is convenient to the complainant and other relevant parties if they are attending in person.
- All parties have a right to be accompanied to the meeting by a friend/representative.
  - a. The friend/representative may;
    - i. Confer with the complainant during the meeting;
    - ii. Ask questions of witnesses;
    - iii. Sum up the complainants complaint if requested by them.
  - b. The friend/ representative may not;
    - i. Answer any questions on the complainants behalf;
    - ii. Address the Panel if the complainant does not wish it;
    - iii. Prevent the complainant from summarising the complaint.
- Good practice requires all written evidence to be submitted prior to the meeting wherever possible so that it can be considered by all parties. If necessary the Panel meeting will be adjourned if there is insufficient time to consider extra evidence received at the start of the meeting to enable it to be circulated and considered by all parties.
- The Panel may wish to call witnesses to the meeting.

The Complainant, and other parties previously involved in the complaint if invited, can expect the following process to be followed:

- The hearing will proceed in an informal, but appropriate manner;
- Witnesses shall be present only for the part of the hearing relevant to their involvement and may not remain for the entire hearing;
- Introductions shall be made by all parties present;
- The complainant will be invited to explain the complaint;
- The headteacher will be invited to explain the reasons for decisions reached up to this point;
- The complainant may then question the headteacher;
- The headteacher may then question the complainant;
- The Panel may ask questions of any party at any time;
- Witnesses, subject to prior approval by the chair of complaints appeal panel, to be called;
- All parties have the right to question all witnesses;
- The complainant will be invited to sum up their complaint, and then the headteacher will be invited to sum up the school's position and response to the complaint.

- At the conclusion of the Complaints Appeal Panel hearing the Chair of Panel will inform the complainant and the headteacher that the Panel will consider its decision in private and will send a written response within 10 school days. At this point all parties other than the clerk must vacate the room.
- The Panel will consider the original written complaint, along with all subsequent evidence that has been presented both orally, and in writing. The remit of the Panel is to:
  - a. Dismiss the complaint in whole or in part;
  - b. Uphold the complaint in whole or in part;
  - c. Decide what, if any, action should be taken to resolve the complaint;
  - d. Recommend any changes, if appropriate, to the school's processes or systems to ensure similar complaints do not rise again in the future.
- The Panel will present their findings in writing.
- The Clerk or Chair of the Panel will ensure the written findings outlining the Panel's decision is sent to all parties including the Headteacher.
- Stage 4 should be completed in 25 school days. However, this may not always be possible, especially if a complaint is complex, and where that is the case, the Clerk will ensure both parties are written to and advised of the revised target date.
- There is no right to appeal against the Governing Body Complaints Appeal Panel decision.
- If the Staff member is dissatisfied and they believe the Panel has acted unreasonably in response to the complaint, they will be advised to contact their Union.
- If the complainant remains dissatisfied and believes the Panel has acted unreasonably in response to the complaint, the complainant should be advised to write to The School Complaints Unit (SCU) at:
- Department for Education

2<sup>nd</sup> Floor  
Piccadilly Gate  
Manchester  
M1 2WD

or in some circumstances, Ofsted (if the complaint is likely to lead to a determination that there is a need to inspect.)

Ofsted cannot seek to resolve any individual complaint.

### **Role of the Secretary of State, Department for Education**

For The Secretary of State to become involved, he would need to be sure that:

The School has acted or is proposing to act unreasonably in the exercise of performance of its functions imposed by or under the Education Act 1996.

Or

The school has failed to discharge any duty imposed by or the proses of the Education Act 1966.

If the complainant believes that this is the case they should refer to the Department for Education website where guidance can be found to support the next part of the process. The relevant guidance can be found at

<https://www.gov.uk/complain-about-school>

The complainant may find the following useful:

- Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or by going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus);
- The complainant must complete a complaints form and return online or by post to the Secretary of State, Department For Education, Sanctuary Buildings, London SW1;
- Copies of relevant documentation relating to the complaint may be sent with the form;
- The DFE will inform the complainant who will be handling the case and a timescale for the process when they have received the form;
- The DFE aim to initially respond within fifteen working days but update the complainant if the timescale is longer.

If the complainant remains unhappy with the service given by the DFE in processing the complaint they would need to contact the DFE complaints department and follow the DFE complaints procedure.

## **Role of Ofsted**

It will not investigate cases to do with individual pupils.

A complainant can complain to Ofsted about any state school if there is a problem that affects the whole school. This includes problems with the quality of education or poor management.

Ofsted have an on line form and aim to respond within 30 working days. Their initial response will tell you if Ofsted will investigate or not, and why.

<https://www.gov.uk/complain-about-school>

## **Vexatious Complaints**

(see separate Vexatious Complaints and Harassment Policy)

There will be occasions when, despite all stages of the school's complaints procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the process by writing to the Chair of Governors with the same complaint, the Chair of Governors may respond to them in writing that all stages have been exhausted and the matter is now closed.

If a complaint is found to be based on false allegation, school may inform the police.

Persistent complainers may be reported and investigated by the police for public harassment.

## **Complaints on Religious Education and Collective Worship**

### **Background**

A complaints procedure was set up in 1990 for religious education and collective worship. This outlined arrangements for consideration and disposal of any complaint about the authority or the governing body of any community school that has acted or is proposing to act unreasonably with respect to the exercise of any power in relation to:

- Any provision of religious education or collective worship
- Any enactment relating to religious education in the curriculum or religious worship in maintained schools.
- failure to discharge in such duty.

### **Categories of Complaints**

- The provision of religious education and worship which meets the general requirements set out in acts of parliament.
- The establishment of a SACRE and the review of the agreed syllabus.

## **Stages of Complaint**

### **Informal Stages**

Concerns expressed by parents and others should be dealt with, as far possible by informal discussions with teachers and headteachers. At this stage the LA could be involved in trying to resolve the issue informally. It is not the intention that expressions of concern should be considered as a complaint.

### **Formal Stages**

- If the concern is not resolved at the informal stage then it becomes a complaint and is considered by the governing body of the school or a panel thereof.
- If the concern is not resolved by the governing body then the complaint is considered by a panel of the Standing Advisory Council on Religious Education (SACRE)

## **Complaints heard by SACRE**

Any panel of SACRE set up to hear a complaint shall consist of the chairman or vice-chairman of SACRE together with two other members at least one of whom shall be a member of the county council.

## **Contacts**

In relation to complaints regarding religious education or collective worship in community schools:

Nigel Bloodworth:

Durban House, Durban Road, Bognor Regis, PO22 9RE

E-mail [nigel.bloodworth@westsussex.gov.uk](mailto:nigel.bloodworth@westsussex.gov.uk)

## **Reviewing this Policy**

This policy will be reviewed at three yearly intervals

## **Review Date**

Summer term 2020 for September 2021

## **Reviewing Responsibility**

Headteacher and governors

School Lead Headteacher

Governor Lead Sue Emery

## Appendix 1

Sidlesham Primary School

### Staff Log and Evidence Form

Stage:			
Date	Record	Outcome/Notes	Review Date

### Signatures

Teacher:

Parent:

## Appendix 2

### Sidlesham Primary School Parent Complaint Form

**Please complete and return to the school office marked Private and Confidential to the headteacher or chair of governors who will acknowledge receipt and explain what action will be taken.**



<b>Signature:</b>
<b>Date:</b>
<i>Official use only</i>
<b>Date Acknowledgement sent:</b>
<b>By Whom:</b>
<b>Complaint referred to:</b>
<b>Date:</b>
<b>Panel required:</b> <b>YES</b> <b>No</b>