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Complaints Policy and Procedure 2018

Skelton Primary School offers a positive, safe learning environment for its community, in which everyone has equal and individual recognition and respect. We celebrate success and are committed to the continuous improvement and fulfilment of potential in every child.

We encourage increasing independence and self-discipline amongst the pupils. Everyone within the school has an important role to play in sharing responsibility for the development of positive behaviour and attitudes.



COMPLAINTS POLICY (statutory)

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Introduction

Next review: Spring 2019

SLT responsibility: S.E.Walker



COMPLAINTS POLICY (statutory)

Skelton Primary School prides itself on the quality of the teaching and pastoral care provided to its pupils. Parents and Carers can expect any complaint to be treated by S.P.S. with care and in accordance with this Complaints Policy and Procedure. S.P.S. makes its Complaints Policy and Procedure available to all parents and carers and prospective pupils on the website and in the school office during the school day.

This Complaints Policy and Procedure has been drafted having regard to the Education (Independent School Standards) (England) Regulations 2010 (as amended) (“the 2010 Regulations”). In the event of any conflict between the procedure outlined in this Complaints Policy and Procedure and the 2010 Regulations, the 2010 Regulations shall apply.

In accordance with the 2010 Regulations, a written record will be kept of all complaints, whether dealt with formally or informally. All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State for Education or a body conducting an inspection requests access to them.

The majority of issues raised by parents or carers are, historically, concerns rather than complaints. S.P.S. is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without recourse to formal procedures. However, in those instances where a parent or carer doesn't feel a concern has been addressed, or it is of sufficient gravity, then the formal Complaints Policy and Procedure should be used. The prime aim of the Academy's Complaints Policy and Procedure is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. In cases where the complaint concerns the conduct of the Headteacher, the complaint will be referred to the Chair of Governors for investigation under Stage 3. This applies throughout the Policy.

The following details outline the five stages that can be used to resolve parental complaints.

Stage 1 – Informal Resolution

A concern is raised informally with an appropriate member of staff. If the complainant remains unsatisfied, the complaint can be referred under Stage 2.

Stage 2 – Formal Resolution

S.P.S. receives a formal written complaint. The Headteacher will respond. The Headteacher will offer to meet the complainant. If the complainant remains unsatisfied the complaint can be reviewed again by the Headteacher under Stage 3.

Stage 3 – Investigation by Headteacher

The Headteacher hears the details of the complaint and arranges a further investigation. If the complainant remains unsatisfied, the complaint can be referred to the Chair of Governors under Stage 4.

Stage 4 – Investigation by Chair of Governors

The Chair of Governors hears details of the complaint and arranges a further investigation. If the complainant remains unsatisfied, the complainant can request a Complaint Panel Hearing under Stage 5.



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Stage 5 – Complaint Panel Hearing

A Complaint Panel Hearing is convened to consider the complaint.

Stage 1 – Raising a Concern

Concerns can be raised with S.P.S. at any time and will often generate an immediate response which will resolve the concern.

Apart from the normal Parental Consultation Evenings, or other arranged meetings with specific staff, S.P.S. requests that parents or carers make their first contact with their child's teacher.

On some occasions the concern raised may require investigation or discussion with others, in which case there will be an informal but informed response within two working days. It is anticipated that the majority of concerns will be satisfactorily dealt with in this way.

Stage 2 – Making a Complaint

Formal complaints should be put in writing and sent to school. The complaint will be logged, including the date it was received.

S.P.S. will normally acknowledge receipt of the complaint within two days of receiving it. In many cases, this response will also report on the action the school is taking to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further.

This meeting (if required) will normally take place within five working days of receipt of the formal complaint but, in any case, within no more than ten working days. If on the other hand, it is felt that the matter is too serious to be dealt with at this stage, the matter will be referred to Stage 3 to be dealt with by the Headteacher. The aim will be to resolve the matter as speedily as possible.

Stage 3 – Investigation by Headteacher

If the matter has not been resolved at Stage 2, or it is felt that the matter is too serious to be dealt with at Stage 2, the Headteacher, (or another designated member of the Senior Leadership Team) will undertake an investigation. Following the investigation, the school will normally give a verbal or written response within five working days, but in any case within no more than ten working days.

Stage 4 – Investigation by Chair of Governing Body (“the Chair of Governors”)

If the matter has still not been resolved at Stage 3, or if the complaint concerns the specific conduct of the Headteacher, the Chair of Governors will undertake an investigation. Following the investigation, S.P.S. will normally give a written response within five working days, but in any case within no more than ten working days.



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Stage 5 – Complaint Panel Hearing

If the matter has still not been resolved at Stage 4, the complainant may request that a Complaint Panel Hearing is convened to consider the complaint. The request must be made in writing within ten working days of receiving notice of the outcome from the Chair of Governors under Stage 4.

Complainants should send their written complaint to the Clerk to the Governors at S.P.S. requesting a Complaint Panel Hearing. The Complaint Panel Hearing will normally take place within twenty one working days of receipt of the written request.

It is important that the Complaint Panel Hearing is independent and impartial, and is seen to be so. The Complaint Panel will be appointed by the Governing Body and will comprise three members, none of whom will have any previous knowledge of the matters giving rise to the complaint, or of the way in which the complaint has been dealt with previously. One of the Complaint Panel members will be completely independent of the running and management of S.P.S. (i.e. they will not be a Governor or an employee at the school).

Many complaints are seen by parents and carers as being “against” a member of staff for their actions or omissions. Complaints that have reached a Complaint Panel Hearing will have done so because the complainant is unhappy with the way in which the Head and/or Chair of Governors investigated the complaint, or the outcome that was reached. The Complaint Panel will therefore need to investigate how the complaint was dealt with in the earlier stages, as well as considering the subject matter of the complaint.

The Complaint Panel, after considering all documentary evidence and verbal or written statements of all parties involved, will make findings of fact on a balance of probabilities (i.e. that the fact is more likely than not to be true) and decide what recommendations to make, if any. The Complaint Panel will make a written record of their findings of fact and recommendations, together with their reasons.

The Clerk to the Complaint Panel will ensure that all parties (including members of staff complained about, if applicable) are notified of the Complaint Panel’s findings of fact and recommendations, if any, in writing within fifteen working days of the Complaint Panel hearing taking place.

The Clerk to the Complaint Panel will ensure that a written record of the Complaint Panel’s findings of fact and recommendations is made available for inspection by the Head or Governors on the Academy’s premises.

General Principles

Informality – it is important that parents and carers are encouraged to resolve their concerns informally wherever possible. Effective handling of concerns at an early stage can help to prevent escalation. Our Home/School Agreement informs parents, carers and pupils of appropriate ways to express their views about the school. This should prevent many problems



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from arising by giving staff an early warning of any potential difficulties. Some underlying principles should be observed whenever concerns or complaints are raised.

Quick response – complaints should be dealt with as speedily as possible – consistent with fairness to all concerned. Each stage of the Procedure should have clear time limits. When it is difficult to meet these, the complainant should be kept informed of progress. Care should be taken not to drag things out with unnecessary bureaucracy.

Advice and support for complainant – it is important that parents and carers know where they can go for information, advice and advocacy if they require it. They may seek help from local advice agencies (Citizen’s Advice Bureau, Council Information Points), from individual Governors, providing such Governors and officers are able to avoid involvement in any later stages. Parents and carers raising concerns or complaints are entitled to be accompanied at any point in the procedure.

Support for a person complained against – staff who are implicated in a complaint and who may be questioned as part of the investigation must feel they are being treated fairly and that they have the opportunity to put their case forward. This Procedure should be explained to them and they should be kept informed of progress. There is a crucial balance to be maintained between supporting staff so that their rights and regulations are protected, and investigating a complaint thoroughly and impartially. Staff will be well advised to seek guidance and support from their trade union or professional association. Non-union staff would need to meet the cost of any professional advice/representation themselves.

Confidentiality and anonymous complaints – correspondence and conversations should be treated with discretion. Parents and carers must feel confident that their complaint will not penalise their child. However, all parties involved will need to be aware that some information may have to be shared, on a strictly need-to-know basis. **It is important to bear in mind that a Complaint Panel may consist of Governors who must have no previous knowledge of the complaint.** It is usually proper to disregard anonymous complaints. However, if they relate to something of a serious nature, the Headteacher or Chair of Governors should use their discretion to decide whether the gravity of the complaint warrants its investigation.

Redress – if the outcome of the Procedure shows the school is at fault, the range of possible responses includes one or more of the following:

- Acknowledgement and apology;
- Explanation;
- An undertaking to review/revise school policies or practices; A commitment to take steps to prevent a recurrence.

Concern about possible litigation should not prevent the school from admitting to parents when mistakes have been made.

Record-keeping – complaints can contribute to raising the quality of education by, for example, highlighting any changes in the requirements of pupils and their families. In order to be of use,



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they must be recorded and monitored on a regular basis by senior staff and governors. If a concern or complaint cannot be resolved immediately, but needs investigation and/or consultation with others, then a record should be made and the complainant informed that the matter is being investigated. Record keeping at the earliest stages needs only to be very basic, giving the date, name of parent and general nature of the complaint. The pro forma or comments/complaints form will be used. (Appendix 1)

Eligibility – ALL parents and carers are entitled to complain and to have their complaint addressed according to this procedure.

Procedure for a Complaint Panel Hearing

Upon receipt of a written request for a Complaint Panel Hearing, the procedures outlined below should be followed:

The Clerk to the Complaint Panel should write to the complainant within five working days to acknowledge receipt of the written request. If the exact nature of the complaint, and/or the complainant's desired outcome are not clear from their letter, clarification should be requested. Appendix 2 is a pro forma document, which can be used for this purpose. The acknowledgement should inform the complainant that the complaint will be considered by a Complaint Panel within twenty one working days of receipt of the complaint. The Clerk should also provide details of the Complaint Panel members and their status. The complainant should be told what papers will be supplied to the Complaint Panel and should be provided with a copy of these papers for their own consideration. The complainant should be given the opportunity to provide any further relevant papers for the Complaint Panel's consideration if they wish.

The Clerk to the Complaint Panel should ensure that Complaint Panel members have no prior knowledge of the matters giving rise to the complaint, or of the way in which the complaint has been dealt with previously. The Headteacher and either the Chair of the Governing Board (depending upon which of them dealt with the complaint under Stage 4) should not be a Complaint Panel member, although they one or both of them will be present on behalf of S.P.S..

The Clerk to the Complaint Panel should be aware that it is inappropriate to include a teacher or Staff Governor on the Panel, as they would be compromised where the complaint is against a fellow member of staff at the school.

The Clerk to the Complaint Panel will write to all parties again prior to the Complaint Panel Hearing confirming details of the date, time and location of the Complaint Panel Hearing. An outline in general terms as to how the Complaint Panel Hearing will be conducted will be provided together with confirmation of the complainant's right to be accompanied by another person if they wish. This may be a relative, teacher or friend to provide support for the complainant, but they will not be permitted to speak at the Complaint Panel hearing without the express permission of the Chair of the Complaint Panel, which will be given in exceptional cases only. (Legal representation is not considered to be appropriate.) The Clerk to the Complaint



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Panel will ensure that all relevant supporting documentation is sent to the complainant, the Headteacher and/or Chair of Governors and each Complaint Panel member at least three working days prior to the Complaint Panel Hearing.

The Clerk to the Complaint Panel will take minutes during the Complaint Panel Hearing. Digital or other forms of recording are not appropriate and will not be permitted.

The Remit of the Complaint Panel

The Complaint Panel will make findings of fact on a balance of probabilities (i.e. that the fact is more likely than not to be true, or to be as one party has relayed rather than another party). The Complaint Panel will then make recommendations to the Academy aimed at resolving the complaint and/or amending the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which all Complaints Panel members need to remember:

The aim of the Complaint Panel Hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised that the complainant may not be satisfied with the outcome of the Complaint Panel Hearing if the Complaint Panel do not find in their favour. It may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously, even if it was not upheld.

The Complaint Panel should acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents and carers often feel emotional when discussing an issue that may affect their child and may choose to be accompanied. The Chair of the Complaint Panel will ensure that the proceedings are as welcoming as possible.

The layout of the room will set the tone, and care will be taken to ensure the setting is informal and not adversarial.

Roles and Responsibilities

The Role of the Clerk to the Complaint Panel

The Complaints Panel Hearing will be clerked. The Clerk to the Complaint Panel will be the contact point for the complainant and is required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
- Collate any written material and send it to the parties in advance of the hearing.
- Meet and welcome the parties as they arrive at the hearing.
- Make a record of the proceedings.
- Notify all parties of the Complaint Panel's decision.



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The Role of the Chair of the Complaint Panel

The Chair of the Complaint Panel has a key role, ensuring that:

- The remit of the Complaint Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- The issues are addressed.
- Key findings of fact are made on a balance of probabilities. ○ Parents, carers and others who may not be used to speaking at such a hearing are put at ease.
- The Complaint Panel Hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- The Complaint Panel is open-minded and acting independently. ○ No member of the Complaint Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- Each side is given the opportunity to state their case and ask questions. ○ Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Complaint Panel's Decision

The Clerk to the Complaint Panel will ensure that the parties are notified of the Complaint Panel's findings of fact and recommendations in writing. This will be undertaken within fifteen working days of the Complaint Panel Hearing which is publicised in the procedure.

The letter to the complainant will confirm that, if they remain unhappy, they may refer their complaint to the Education Funding Agency. The complainant should note, however, that the Education Funding Agency will review the documentation relating to the complaint and consider whether the Academy's Complaints Policy and Procedure complies with the relevant legislation, whether there was any delay involved at any stage, and whether the Complaints Policy and Procedure was followed during all stages of the complaint, rather than revisiting the subject matter of the complaint itself, unless it was dealt with by S.P.S. in a manifestly unreasonable manner.

Vexatious Complaints

The Complaints Policy and Procedure will limit the number of complaints that become protracted. However, there may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, the Academy is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Please refer also to the Habitual or Vexatious Complaints Policy downloadable from the school website.

Governing Board Review

The Governing Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where



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necessary. Complaints information shared with the whole Governing Board will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, the S.P.S. may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Board can be a useful tool in evaluating performance.

Hearing the Complaint at the Meeting

The aim of the Complaint Panel Hearing will be to resolve the complaint and achieve reconciliation between the Academy and the complainant.

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses will not usually be considered. However, the complainant or Headteacher can make a request for additional evidence or witnesses to be included subject to the Chair of the Complaint Panel's approval.

The recommended conduct of the Complaint Panel Hearing is as follows:

- The Chair of the Complaint Panel will welcome the complainant, introduce the Complaint Panel members and explain the procedure.
- The Chair of the Complaint Panel will invite the complainant to explain the complaint.
- The Complaint Panel members may question the complainant about the complaint and why it has been made.
- The Chair of Governors will be invited by the Chair to question the complainant about the complaint and why it has been made.
- The Chair of the Complaint Panel will invite the Chair of Governors to make a statement in response to the complaint.
- The Complaint Panel members may question the Chair of Governors about the response to the complaint.
- The Chair of the Complaint Panel will allow the complainant to question the Chair of Governors about the response of the complaint.
- Any party has the right to call witnesses, subject to the approval of the Chair of the Complaint Panel. The Head is likely to be called by the Chair of Governors in almost all cases, as the complaint will either have been dealt
- with by the Head under Stage 3, or the complaint will concern the conduct of the Head.
- The Complaint Panel, the Chair of Governors and the complainant all have the right to question any such witness/es.
- The Chair of Governors will be invited by the Chair of the Complaint Panel to make a final statement.
- The complainant will be invited by the Chair of the Complaint Panel to make a final statement.
- The Chair of the Complaint Panel will explain to the complainant and the Chair of Governors that the Complaint Panel will now consider its findings of fact and recommendations and that all parties will receive notification of the Complaint Panel's findings of fact and recommendations in writing within fifteen working days. The Chair of the Complaint Panel will then ask all parties to leave except for the Complaint Panel



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The Complaint Panel will then consider the complaint and all the evidence presented and:

- Make findings of fact on balance of probabilities.
- Make recommendations to the Academy if necessary.
- The Complaint Panel members must be aware of the Complaints Policy and Procedure prior to the meeting.



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Checklist for a Complaint Panel Hearing

The Complaint Panel needs to take the following points into account:

- The Complaint panel hearing should be as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give evidence
- After introductions, the complainant is invited to explain their complaint and be followed by their witnesses
- The Chair of Governors may questions both the complainant and the witnesses after each has spoken
- The Chair of Governors is then invited to explain school's actions and be followed by the school's witnesses (including the Headteacher)
- The complainant may question both the Chair of Governors and the witnesses after each has spoken
- The complaint panel may ask questions at any point.
- The complainant is invited to sum up their complaint
- The Chair of Governors is invited to sum up the school's actions and response to the complaint.
- The Chair of Governors is invited to sum up the school's actions and response to the complaint
- Both parties leave together to allow the Complaints panel to consider their findings of fact and recommendations, if any in private
- The Chair of the Complaint Panel explains that both parties will hear from the Clerk of Complaints Panel within fifteen working days
- The Complaint Panel will consider their findings of fact, on the balance of probabilities and recommendations, if any. The reasons for such findings and recommendations should be recorded in writing.



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Appendix 1

Concerns/Worries/Complaints

Date:

Name of Parent, Carer or Visitor:

Nature of concern, worry or complaint:

Action taken:

Follow up (if any):



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Appendix 2

Complaint Panel Hearing – Request Form

What do you want the Complaint Panel to recommend that S.P.S. do?

- a. Give an acknowledgement and/or apology
- b. Give an explanation
- c. Give an undertaking to recommend revision of school policies or practices Give a commitment to recommend steps designed to prevent a recurrence
- d. Other action (please specify)

Your signature: Date:

What happens next?

- You will receive an acknowledgement that this form has been received.
- You will be invited to a Complaint Panel Hearing.
- Within fifteen working days of meeting the Complaint Panel Hearing you will receive written notification of the Complaint Panel's findings of fact and recommendations.