



# Christleton Primary School

## Be the best you can be

### Complaints Policy / Procedure

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		Un-controlled copy	
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February 2017	February 2020	February 2021	
Signed Head teacher			
Signed Chair of Governors			

# Christleton Primary School

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## Overview

1. Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England were required, under Section 29 of the [Education Act 2002](#), summarised in Annex A, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.
2. LAs are already required to set up a procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school. Chisleton Primary Schools complaints procedure does not replace the arrangements made for those types of complaint.

In addition, there are certain complaints which fall outside the remit of the Governing Body's complaints procedure, for example, staff grievances or disciplinary procedures. In these circumstances the governing body tries to ensure that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

## Part 1: General Principles of complaints

### Dealing with Complaints – Initial concerns

3. Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
4. These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

### Dealing with Complaints – Formal procedures

5. The formal procedures will need to 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.
6. Schools might wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'complaints co-ordinator'. In smaller schools this may often be the head teacher.

### Framework of Principles

7. An effective Complaints Procedure will:
  - encourage resolution of problems by **informal** means wherever possible;
  - be easily **accessible** and **publicised**;
  - be **simple** to understand and use;
  - be **impartial**;
  - be **non-adversarial**;
  - allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
  - ensure a full and **fair** investigation by an independent person where necessary;
  - respect people's desire for **confidentiality**;
  - address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
  - provide **information** to the school's senior management team so that services can be improved.

## Investigating Complaints

8. It is suggested that at each stage, the person investigating the complaint (the complaints co-ordinator), makes sure that they:
  - establish **what** has happened so far, and **who** has been involved;
  - clarify the nature of the complaint and what remains unresolved;
  - meet with the complainant or contact them (if unsure or further information is necessary);
  - clarify what the complainant feels would put things right;
  - interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  - conduct the interview with an open mind and be prepared to persist in the questioning;
  - keep notes of the interview.

## Resolving Complaints

9. At each stage in the procedure schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following, an:
  - apology;
  - explanation;
  - admission that the situation could have been handled differently or better;
  - assurance that the event complained of will not recur;
  - explanation of the steps that have been taken to ensure that it will not happen again;
  - undertaking to review school policies in light of the complaint.
10. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.
11. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## **Serial and Persistent Complaints**

12. If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

If the complainant writes again on the same issue, then the correspondence may be regarded as serial or persistent and there will be no obligation on the part of the school to respond.

The government guidance recommends that the school should be able to answer yes to the following questions before electing to cease correspondence on the matter:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any);
- They are contacting the school repeatedly but making substantially the same points each time. The case is stronger if the school agrees with one or more of these statements:
  - The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience.
  - Their letters / emails / telephone calls are often or always abusive or aggressive.
  - They make insulting personal comments about or threats towards staff.

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondence.

It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence.

**If the decision to stop responding is taken, the complainant must be informed in writing.**

## **Time-Limits**

13. Complaints need to be considered, and resolved, as quickly and efficiently as possible. This procedure contains time limits for each action within each stage. In general, the time limits and deadlines contained within this policy should be adhered to. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee that this is possible.

However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

## **Part 2: The Formal Complaints Procedure**

### **The Stages of Complaints**

14. Christleton Primary School's complaints procedure has well-defined stages. A flow chart can be found in Annex C displays these stages.
15. An unsatisfied complainant can always take a complaint to the next stage by requesting a review by the Secretary of State (from 1.8.12).
16. Christleton Primary School's complaints procedure can be found in Annex B.

## **Part 3: Managing and Recording Complaints**

### **Recording Complaints**

17. Where possible Christleton Primary School will record the progress of the complaint and the final outcome in writing. A complaint may be made in person, by telephone, or in writing.

Christleton Primary School's complaint form can be found in Annex D.

At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. **No meetings should be tape recorded. If the complainant does still go ahead and records the meeting – the recording should not be considered as part of the investigation of the complaint.**

18. In most circumstances Mr Mitchell (Headteacher) will act as the complaints co-ordinator and be responsible for the records, holding them centrally. If necessary, the chair of governors will take on this responsibility.

### **Governing Body Review**

19. The Governing Body can 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 necessary. Preferably, complaints information is shared with the whole GB it will be anonymised and not name the individual.
20. 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, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB can be a useful tool in evaluating a school's performance.

### **Publicising the Procedure**

21. There is a legal requirement for the Complaints Procedures to be publicised. Christleton Primary School chooses to fulfil this requirement through publishing the document on the school website.



#### Part 4: Matters outside the Scope of a Complaints Procedure

22. A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exception	Who to Contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	Providers should have their own complaints procedure to deal with complaints about

## **Complaints Regarding Religious Education or Collective Worship**

23. Informal Stages Concerns expressed by parents and others should be dealt with, as far as possible by informal discussions with teachers and the headteacher. At this stage the LA could be involved in trying to resolve the issue informally.
24. Formal Stages
- a. 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.
  - b. If the concern is not resolved by the Governing Body then the complainant may approach the SACRE and ask them to investigate the matter with the school.
25. In the event the complainant and/or Standing Advisory Council on Religious Education (SACRE) remain dissatisfied with the schools' response to the complaint then either may refer the matter to the Secretary of State for consideration. If the matter has not already been through a SACRE investigation the Secretary of State may ask that they investigate.
26. The following information can also be viewed on the LA website:

- **Standing Advisory Council on Religious Education (SACRE)**
- **Cheshire West and Chester Standing Advisory Council on Religious Education (SACRE)**

### **What is a SACRE?**

The SACRE is the Standing Advisory Council on Religious Education. Its main function is to advise the local authority on matters related to collective worship in community schools and religious education in accordance with the agreed syllabus.

### **Where to find help**

- **Clerk to Cheshire West and Chester Council SACRE – Alison Williams,**  
**Email: [alison.williams@cheshirewestandchester.gov.uk](mailto:alison.williams@cheshirewestandchester.gov.uk)**
- **Religious Education Adviser - Jane Brooke**  
**Email: [scrolls2@btinternet.com](mailto:scrolls2@btinternet.com)**

### **Why is there a SACRE?**

In 1944, when religious education became a compulsory subject on the curriculum, local authorities were given the power to set up SACREs in order to decide what was taught in RE (also called religious instruction, religious knowledge, scripture or divinity). When the 1988 Education Act confirmed religious education as part of the basic curriculum, it became a duty for every local authority (LA) to appoint a SACRE. Religious education is the only compulsory subject in schools which remains locally determined.

### **What are the duties of a SACRE?**

SACRE 's main duty is to advise the local authority on religious education and collective worship for the schools within its remit.

**SACRE should also:**

- Require the local authority to review its agreed syllabus every five years
- Consider requests from schools to be released from the requirement to provide collective worship that is wholly or mainly of a broadly Christian character (a determination)
- Publish an annual report of its work
- Monitor the provision and quality of the agreed syllabus, and of collective worship
- Meet in public, unless confidential information is to be disclosed
- Record minutes of all meetings
- Provide advice and support on teaching the agreed syllabus

## Annex A - The Act

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
  - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
  - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;

## Christleton Primary School

### COMPLAINTS POLICY

#### MISSION

**We provide a safe and inclusive learning environment where everyone is valued and encouraged to reach their full potential.**

#### RATIONALE

Under Section 29 of the [Education Act 2002](#), Governing Bodies of all maintained schools in England have been required to have in place a procedure to deal with complaints relating to the school. The law also requires the procedure to be publicised.

There is a difference between a concern and a complaint; taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints. The formal procedures will need to be invoked only when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

#### AIMS

We will endeavour to be fair, open and honest when dealing with any complaint and will always put the interests of our children above all else. We will give careful consideration to all complaints and we aim to resolve any complaint through dialogue and mutual understanding.

Our complaints procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial and non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress;
- provide **information** to the school's senior management team and governors so that services can be improved.

## **GUIDELINES**

### **For a general complaint:**

**Step 1** If a parent is concerned about anything to do with the education or support that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher; most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress.

**Step 2** Where a parent feels that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the head teacher. The head teacher will consider all matters of concern very seriously and investigate each case thoroughly. Most complaints would normally be resolved at this stage.

**Step 3** Only when an informal complaint fails to be resolved by the head teacher should a formal complaint be made to the governing body. This complaint must be made in writing, stating the nature of the complaint, who has been spoken to already and the preferred outcome. The parent should send this written complaint to the chair of governors via the school office.

### **For a complaint about the head teacher:**

**Step 1** If a parent is concerned about anything to do with the behaviour, leadership or management of the head teacher, they should, in the first instance, discuss the matter with the head teacher; most matters of concern can be resolved positively in this way.

**Step 2** Where a parent feels that a situation has not been resolved through contact with the head teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the chair of the governing body. The chair will consider all matters of concern very seriously and investigate each case thoroughly. Most complaints would normally be resolved at this stage.

**Step 3** Only when an informal complaint fails to be resolved by the chair should a formal complaint be made to the governing body. This complaint must be made in writing, stating the nature of the complaint, who has been spoken to already and the preferred outcome. The parent should send this written complaint to the governing body via the clerk to the governors.

### **Governing body complaints committee**

The governing body must consider all written complaints **within 21 school working days** of receipt.

The chair of governors will nominate a governor to co-ordinate the procedure and will appoint a **complaints panel** consisting of 3 governors who are not employees of the school. The nominated co-ordinator will chair the complaints panel.

The co-ordinator will arrange a meeting of the complaints panel to discuss the complaint and will invite the person making it to attend the meeting so that they can explain the complaint in more detail. The school will give the complainant at least five days' notice of the meeting. If the complainant cannot attend the suggested date, a further date will be set. If the complainant does not attend the second date, a third and final date will be set, at which time the meeting will proceed without the complainant present.

The head teacher will write a report addressing the complaint and ensure that the complaints panel members and the complainant receive a copy 4 days before the meeting. (If it is a complaint about the head teacher, the Chair of Governors will write the report).

The complainant is invited to write a report addressing the issue and must ensure that the complaints panel members and the head teacher (or Chair of Governors) receives a copy 2 days before the meeting. Other written evidence will not be accepted at the meeting, except in exceptional circumstances.

### **Check list for a panel hearing**

The panel must take the following points into account:

- the hearing is as informal as possible;
- after introductions, the complainant is invited to explain their complaint (with the support of parent partnership or other advocate if required);
- the panel members and head teacher (or Chair of Governors) may ask questions;
- the head teacher (or Chair of Governors) is then invited to explain the school's actions (with support of DHT, SENCo or other supporter if required);
- the panel members or complainant may ask questions;
- the complainant is then invited to sum up their complaint;
- the head teacher (or Chair of Governors) is then invited to sum up the school's actions and response to the complaint;
- the chair of the panel explains that both parties will hear from the panel within 3 working days;
- both parties leave the meeting while the panel decides on the issues.

When the panel has fully investigated the complaint, the chair of the panel, on behalf of the governing body, will write to the complainant confirming the outcome of the complaint and any agreed action to be taken. The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on 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.

### **Investigating Complaints**

At each stage, the person investigating the complaint should make sure that they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them;
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

## **Resolving Complaints**

At each stage in the procedure we will look for a way in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It should be noted that an admission that the school could have handled the situation better is not the same as an admission of negligence.

## **Unresolved complaints**

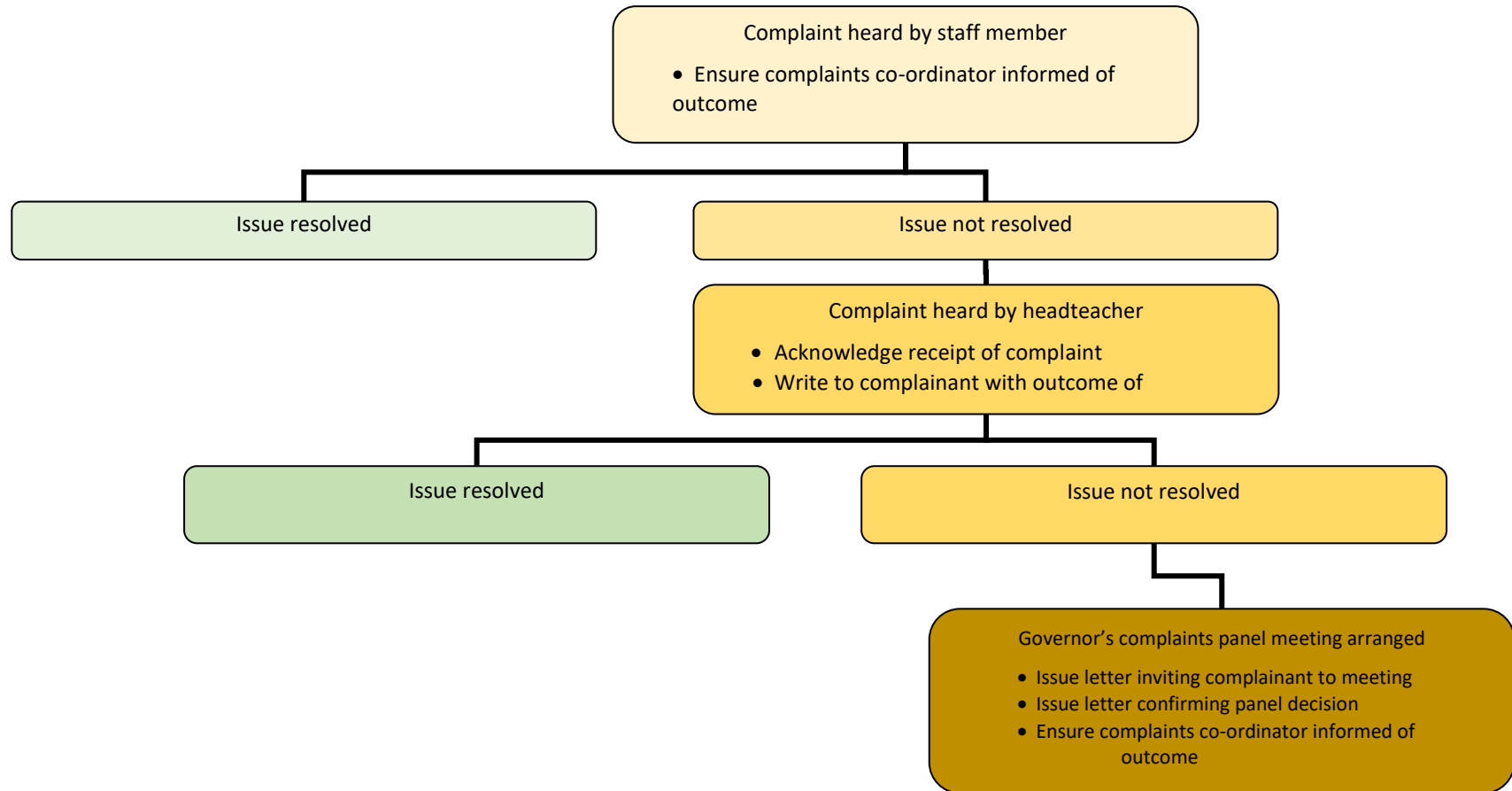
From 1 August 2012 complaints about maintained schools not resolved by the school that would have been considered by the Local Government Ombudsman or the LA should be addressed to the Secretary of State for Education.

Further information can be obtained by calling the National Helpline on 0370 000 2288 or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

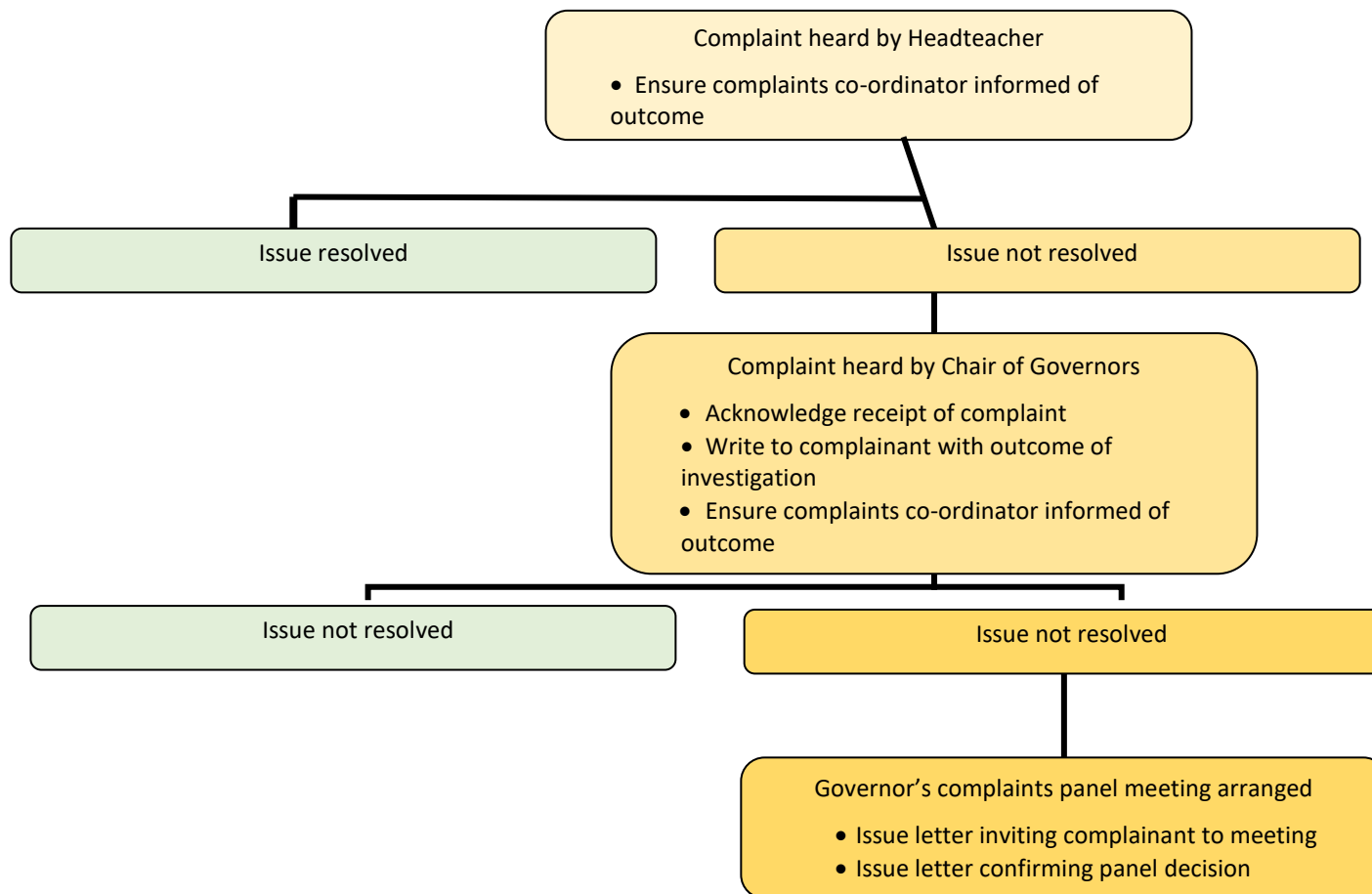
Department for Education  
School Complaints Unit  
2<sup>nd</sup> Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD



### Summary of Dealing with Complaint Christleton Primary School



**Summary of Dealing with Complaint against Headteacher**  
**Christleton Primary School**



**Annex D – Christleton Primary School complaint form**

**Please complete and return to Mr Mitchell (Complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.**

<b>Your name:</b>
<b>Pupil's name:</b>
<b>Your relationship to the pupil:</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint.</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)?**

**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:**