

# Complaints Policy



## Black Firs School

### Introduction

We believe that Black Firs School provides a good learning environment for all our children, and that the Headteacher, Staff and Governors work very hard to build positive relationships with all parents. However, the School is required by law to have procedures in place in case there are complaints by parents. The following policy sets out the procedure that the School follows in such cases.

All parents have the right, as a last resort, to appeal to the Secretary of State for Education, if they still feel that their complaint has not been properly addressed.

### Aims

Our School aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and in all cases, *we put the interests of the child* above all other issues.

### The Complaints Process

- Stage 1: Initially complaints should be made verbally or in writing to the member of Staff concerned who should inform the Headteacher even if the matter is resolved immediately.
- Stage 2: If the member of Staff is unable to resolve the issue the Headteacher will consider the complaint and try to resolve the situation.
- Stage 3: If the matter is still unresolved, or if the complaint is about the Headteacher himself, the complainant should contact the Chair of the Governing Body.
- Stage 4: If the matter remains unresolved at this stage the Chair of the Governing Body will refer the matter to the Complaints Panel
- Stage 5: Congleton Multi Academy Trust (CmaT) - Process Review Panel Hearing

If the matter remains unresolved complaints may be made to the Education Funding Agency to review the handling of their complaint. Parents may contact the Education Funding Agency by accessing the complaints about academies page on the Department for Education website. Ultimately, complaints may be made to the Secretary of State for Education who has the power to direct the School.

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the School can be crucial in determining whether the complaint will escalate. The complainant may become dissatisfied with the way in which the complaint was handled in the early stages, as well as pursuing their initial complaint.

The ability to consider the complaint objectively and impartially is crucial. The School will respect the views of a complainant who indicates that he/she would have difficulty in discussing a complaint with a particular member of Staff. In these cases the Staff member can refer the complainant straight to the Headteacher or other member of the senior management team.

Where the first approach is made to a Governor, the Governor will refer the complainant to the appropriate member of Staff and advise them of this complaints procedure. It is essential that Governors do not act unilaterally on an individual complaint outside of this procedure, or be involved at the early stages in case they are needed to sit on a panel at a later stage. **Complaints would not be heard by the full Governing Body at**

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**any stage**, as this could compromise the impartiality of any panel set up for a disciplinary hearing (or appeal) against a member of Staff.

Procedures should be as speedy as possible - consistent with fairness to all concerned. Each stage of the procedure should have known time limits. Where it is not possible to meet these, information about progress must be given to the complainant. Care should be taken not to drag things out with unnecessary bureaucracy.

Support for complainant. Parents can go for information, advice and advocacy, if they require it. Ideally, support should be offered from individuals and organisations that are clearly separate from those complained against, such as Parents' Advice Centres, Citizens Advice Bureaux, Community Relations Councils, refugee support organisations and other local advice centres. Useful help can come from individual Governors or Education Welfare Officer, Parent Partnership Officer, providing they are able to remain apart from any later stages in the procedure where they might otherwise be called upon to make a judgement on a complainant's disagreement with School.

Support for a person complained against. Staff who may be questioned as part of this complaints procedure investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case. They should be told about the procedure and be kept informed of progress. There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff. There may be occasions where a complaint launches a disciplinary procedure which puts the complaints procedure on hold. If so, the complainant should be informed of this and any non-disciplinary aspects of the complaint should be dealt with by the usual complaints procedures; the complainant should be "up-dated" every three weeks on the likely further delay. It may be clear after the disciplinary procedures have been completed, that particular responses to the complainant are required (e.g. an apology or an explanation of new policies to avoid a similar problem again).

**Confidentiality:** It is very important to treat conversations and correspondence with discretion. It is vitally important that parents feel confident that their complaint will not penalise their child. However, from the outset all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure.

It is usually proper to disregard anonymous complaints unless somebody is prepared to substantiate them, but the danger in this is that they may relate to something quite serious. If the foreseen eventuality occurs, to the detriment of the School, the complainant may surface subsequently and say that s/he alerted the School even though the complaint was unsigned. It should be at the Headteacher or Governing Body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

**Redress:** If the outcome of the complaint procedure shows the School is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of: an apology, an explanation, a promise that the event complained of will not recur, an undertaking to review school policies or practices in the light of the complaint, or, in appropriate circumstances, financial compensation. Fear of litigation should not prevent School from admitting to parents when mistakes have been made, but advice should be taken from the legal services if litigation could be possible. A complainant may also be asked to withdraw, in writing, any unsubstantiated accusation.

**Staff awareness and training:** School staff, including non-teaching staff, should be familiar with the procedures so that they can advise parents about their operation. Potentially a great many staff are involved in handling complaints, especially at the informal level. Their confidence in doing so depends on their having clear information about the procedures, reassurances that senior staff are committed to the procedures and some

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basic training in the practical interpersonal skills needed in dealing with people who are upset or angry. All School staff should have clear information about which Staff have which responsibilities at School so that parents do not get continually passed from one to another.

**Record keeping:** If complaints are to contribute to raising the quality of education, then they need to be recorded and monitored each term by senior Staff and Governors. Recording should begin at the point when a concern or initial complaint has become the kind of complaint that cannot be resolved on the spot but needs investigation and/or consultation with others in School and will require a later report back (either orally or in writing) to the parent. Recording at the earliest stages need only be a very basic record of the complaint, giving the date, name of parent and general nature of the complaint.

### **Stage one**

All Staff work very hard to ensure that every child is happy at School and is making good progress; they always want to know if there is a problem so that they can take action before the problem seriously affects the child's progress. If a parent is concerned about anything to do with the education that the School is providing they should, in the first instance, discuss the matter with their child's class teacher. Most matters of concern can be dealt with in this way.

### **Parents can**

- ✓ Call in at the end of the day for an informal discussion
- ✓ Make an appointment to see the class teacher through the School office
- ✓ In an emergency the teacher can be released by the School to meet with a parent immediately
- ✓ Arrange a series of appointments to ensure the issue is properly dealt with
- ✓ Invited to be accompanied by a friend, a relative or a representative at any stage of the procedure

### **Stage Two**

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 Headteacher. The Headteacher considers any such complaint very seriously and investigates each case thoroughly. Most complaints are normally resolved at this stage.

### **Stage Three**

If the complaint is not resolved the parent(s) should refer the issue to the Governing body through the Chair of Governors. Should a parent have a complaint about the Headteacher, they should first make an informal approach to the Chair of Governing Body who is obliged to investigate it. The Chair will do all they can to resolve the issue through a dialogue with the School but if a parent is unhappy with the outcome they can make a formal complaint as outlined below.

### **Stage Four - Local Governing Body (LGB) - Panel Hearing**

Only if an informal complaint fails to resolve the matter should a **formal** complaint be made to the Local Governing Body (LGB).

If Stage 4 is reached then the complainant will be asked to formally put their complaint in writing to the Chair of the Governing Body. The Chair will ask the Clerk of the Complaints Panel (normally the Clerk to the Local Governing Body) to convene a hearing of the LGB Governors Complaints Panel. Parents/carers should write to the Clerk of the LGB within 7 days of receiving the Principal's decision.

The Governing Body has nominated a number of members with delegated powers to hear complaints. Their delegated powers are set out in the Personnel Committee's terms of reference. The panel will be drawn from these nominated members and will consist of three people and a person independent of the management and running of the School. The Clerk of the LGB will appoint each Panel member and acknowledge the complaint and schedule a hearing to take place as soon as practicable. The panel will elect its own chairman.

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The panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the School's systems or procedures to ensure that problems of a similar nature do not recur.
- If the Panel deems it necessary, it may require further particulars of the complaint or related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 7 days prior to the hearing.

The parents may:

- Be accompanied to the hearing by one other person. This may be a relative or friend. The parents may not be accompanied by a lawyer. *[The parents may not be accompanied by an employee of the School or by a parent or carer of a pupil of the School].*

The panel will:

- Be independent and impartial and be seen to be so. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- Decide if further investigation is required and how it should be carried out.
- Aim to resolve the complaint and achieve reconciliation between the School and the complainant. After due consideration of all facts they consider relevant, the Panel will reach a decision. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
- Ensure that the hearing is held in private and make the proceedings welcoming and non-adversarial. Complainants may be nervous in a formal setting and may be emotional when discussing an issue, which affects their child.
- Recognise that the complainant may be a child. Careful consideration must be given to the atmosphere to ensure that the child does not feel intimidated. The views of the child must be given equal consideration to those of adults. Where child's parent is the complainant they should be given the opportunity to say which parts of the hearing, if any, it is appropriate for the child to attend.
- The Panel will write to the parents informing them of the decision and the reasons for it within 7 days of the hearing. The Panel's findings and, if any, the recommendations will be sent in writing to the parents, the Headteacher and, where relevant, to the person at whom the complaint was directed.

The clerk will:

- Be the contact point for the complainant
- Set the date, time and venue of the hearing making it convenient and accessible to all parties
- Collate written material and distribute it to the parties in advance of the hearing
- Meet and welcome the parties as they arrive
- Record the proceedings
- Notify all parties of the decision of the panel.

The Chairman of the Panel will ensure that:

- The remit of the panel is explained to the parties and that each party has the opportunity to put their case without undue interruption, to ask questions of the other party and to sum up at the end
- The issues are addressed
- Key findings of fact are made
- People are put at ease
- The hearing is conducted in an informal manner with each party treating each other with respect and courtesy
- The panel is open-minded and acting independently
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

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If the complainant is still not satisfied with the decision, they can request a review of the Local Governing Body (LGB) Panel's procedures and should proceed with their complaint in accordance with Stage 5 of this procedure.

### **Stage 5 – Congleton Multi Academy Trust (CMAT) - Process Review Panel Hearing**

If the parents wish to proceed to Stage 5 (*following their dissatisfaction with the procedures followed in Stage 4*) they should refer their complaint to the Clerk of the Congleton Multi Academy Trust (CmaT) who will call a hearing of the CmaT Process Review Panel. Parents should write to the Clerk of the CmaT within 7 days of receiving the LGB's decision, outlining the reasons why they believe the procedures followed by the Local Governing Body's Panel Hearing in respect to their complaint were flawed.

The Process Review Panel will consist of 4 members, the Chair, who will be a CmaT Director who is not directly involved in the matters detailed in the complaint and two governors, selected by the Clerk from academies within the CmaT but not from an academy directly involved in the matters detailed in the complaint and a person independent of the management and running of CmaT. The Clerk of the CmaT will appoint each Panel member and acknowledge the complaint and schedule a hearing to take place as soon as practicable.

- If the Review Panel deems it necessary, it may require further particulars of the complaint or related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 7 days prior to the hearing.
- The parents may be accompanied to the hearing by one other person. This may be a relative or friend. The parents may not be accompanied by a lawyer. *[The parents may not be accompanied by an employee of the School or by a parents or carer of a pupil of the School].*
- The Process Review Panel has power to request that the LGB reconsider its decision. It has no power to overrule the decision of the LGB. The panel may:
  - a) dismiss the complaint in whole or in part;
  - b) uphold the complaint in whole or in part;
- The Process Review Panel will write to the parents/carers informing them of the decision and the reasons for it within 14 days of the hearing. If this is not possible, we will advise the complainant of the revised timescale and any reason(s) for this.
- The decision of the Review Panel will be final and there will be no further right of appeal. The Panel's findings and, if any, the recommendations will be sent in writing to the parents, the Local Governing Body, the Principal and, where relevant, to the person at whom the complaint was directed. If parents have been through all the stages of Congleton Multi Academy Trust's complaints procedure but remain dissatisfied, they can ask the Education Funding Agency to review the handling of their complaint. Parents may contact the Education Funding Agency by accessing the complaints about academies page on the Department for Education website;

E-mailing: [academyquestions@efa.education.gov.uk](mailto:academyquestions@efa.education.gov.uk)

Writing to: Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH;

Telephoning: the Department for Education's Public Communications Unit on 0370 000 2288.

### **Monitoring and Review**

The Governors will monitor the complaints procedure annually in order to ensure that all complaints are handled properly. The Headteacher will log all complaints received by the School and record how they were resolved in his termly report to Governors under part II, ie retrospectively after the matter has been resolved.

Governors will take into account any local or national decisions that affect the complaints process and make any modifications necessary to this policy. This policy is made available to all parents in the Parents' Policy File located in the resource area so that they can be properly informed about the complaints process. The complaints procedure is also available on the School's website at [www.black-firs.co.uk](http://www.black-firs.co.uk)

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# Concerns and Complaints about Schools

## Guidance notes for Parents

1. The School has a policy for dealing with formal complaints. A procedure policy document is available upon request, from School.

### 2. If you have a concern or complaint...

We would like you to tell us about it. We welcome suggestions for improving our work in the School. Be assured that no matter what you want to tell us, our support and respect for you and your child in the School will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago.

### 3. What to do first

Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher. If you have a complaint which you feel should be looked at by the Headteacher in the first instance you can contact him straightaway if you prefer. It is usually best to discuss the problem in person. You may need to make an appointment by telephoning the School. If you so wish, you can take a friend or relation to the appointment.

Every effort will be made to resolve your concern informally. We will endeavour to understand your position and explain our actions to you. It is important that you and the School understand both sides of the concern. It may also help to prevent a similar problem arising again.

### 4. What to do next

If you are dissatisfied with the teacher's response (or with the Headteacher's initial reaction if he has already been involved) you can make a formal complaint to the Headteacher. This should be made in writing.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors.

The Headteacher will ask to meet you for a discussion of your concern. Again you may take a friend or someone else with you if you wish. The Headteacher will conduct a full investigation of the complaint and may interview any members of Staff or children involved. You will receive a written response to your complaint. The problem will normally be solved by this stage.

### 5. If you are still unhappy...

You may wish to contact the Chair of the Governing Body to ask for referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three Governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the panel at a meeting which the Headteacher will also attend. The General Complaints Procedure statement explains how these meetings operate.

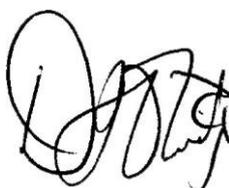
### 6. Further action...

Complaints about School problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to an outside body such as the Secretary of State for Education. Again there is more information on this in the General Complaints Procedure.

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