

**Oxton St Saviour's C of E Aided Primary
School**

Complaints Policy

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Introduction

Oxton St Saviour's Church of England Primary School values the good relations it enjoys with parents and the community. These good relations are based on a shared Christian vision, mutual respect and a willingness to listen to each others' points of view. The purpose of this policy is to provide a structure to express and resolve concerns about the School and thus to improve the provision for pupils and children.

This policy consists of two procedures, one to deal with complaints about the curriculum and the other to deal with complaints about all other matters within the responsibility of the School's governing body.

Part A

Procedure to deal with Complaints about the Curriculum

1. **Purpose** The purpose of this procedure is to provide a structure to express and **resolve concerns about the curriculum**.
2. **Introduction** This procedure builds on the legal requirements of Section 409 Education Act 1996 and the Guidance issued in Department of Education & Science Circular 1/89: Local Arrangements for the Consideration of Complaints. It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.
3. **Scope of the Procedures** These procedures are designed **only** to resolve complaints falling within Section 409 of the Education Act 1996 i.e. complaints concerning the responsibilities of the governing body and the LA in:
 - Provision of curriculum, including religious education and worship
 - The implementation of the National Curriculum and compliance with Orders and Regulations made about its requirements and exceptions to its provision.
 - Provision to pupils of compulsory school age of courses leading to an external qualification, only if that qualification and the associated syllabus or syllabus criteria have been approved.
 - Provision of religious education and worship as required by the Act and other enactments
 - In the case of an LA, establishment of a Standing Advisory Council or Religious Education (SACRE) and review of the agreed syllabus for the area if the SACRE so requires
 - The need to act reasonably in deciding whether or not to be associated with an application for exemption from all or part of the National Curriculum in order to carry out development work.
 - In the case of governing body, consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the provisions of the National Curriculum.
 - Operation of charging policies in relation to the curriculum.
 - Compliance with regulations about the provision of information.
 - Compliance with any other enactments relating to the curriculum.

Separate procedures exist to resolve other complaints about the School and to resolve complaints for which the LA has responsibilities.

4. **Stages** The procedure has three possible stages, which must begin with the informal stage:

- **Informal:** most concerns are easily resolved informally by discussion with staff at the school; more difficult or complex concerns may take more than one discussion [see section 5 below].
- **Formal complaint to the governing body:** if, after careful attempts, a resolution is not achieved, a formal complaint can be made to the governing body [see section 6 below].
- **Formal complaint to the local authority:** if either party believes that the governing body has not dealt with the complaint properly or that the outcome is unreasonable, it can be referred to a local authority Adjudication Panel [see section 7 below].
- **Formal complaint to the Diocesan Bishop:** this is applicable for complaints about Worship. If either party believes that the governing body has not dealt with the complaint properly or that the outcome is unreasonable, it can be referred to the Bishop of Chester [see section 9 below].

5. **Informal Stage**

- 5.1. The School is happy to receive suggestions and compliments and talk about concerns that help staff and governors identify areas of success and areas in which they could improve. Where a concern is brought to the school's attention it can almost always be resolved with a single conversation, often with the class teacher or the senior member of staff. Sometimes an issue is more complex and will take more than one discussion to resolve.
- 5.2. The School will, however, resist abuse of the complaints procedure. It will not respond to complaints that are vexatious, repeated or manifestly trivial. It may decline to deal with some complaints where the number of complaints made by a particular individual or family is unreasonable.
- 5.3. Concerns relating to the delivery of the curriculum to an individual child should be raised in the first instance with the child's class teacher. If the matter cannot be resolved it should be referred to the Head teacher or Deputy Head teacher. Concerns relating to the curriculum at a policy level should be raised in the first instance with the Head teacher or Deputy Head teacher.
- 5.4. Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a complaint. The complainant will be asked to confirm the complaint in writing to the Head teacher [a form to help with this is attached] and it will be formally acknowledge in writing. The Head teacher will copy relevant papers to any member/s of staff named in the complaint.

5.5. The Head teacher has the right of written reply to the written complaint.

5.6. Any concerns should be raised as soon as possible after the event.

6. Formal complaint to the governing body

This can be made only if the complainant has:

- sought to resolve the concern through an informal approach to the school;
- allowed reasonable time (normally up to four school weeks) for investigation of the concern;
- accepted any reasonable offer by the school to discuss the result of that investigation;
- put the complaint clearly in writing (normally within six months of the event).
- taken part in any process of mediation offered by the school.

6.1 The governor body has a Complaints Committee whose responsibility it is to hear and decide about formal complaints about the curriculum which have not been resolved at the informal stage. The Complaints Committee is made up of a small group of governors.

6.2 The complainant should write to the governing body clerk, at the school, requesting a meeting of the Complaints Committee. Enclosed with the letter should be copy of the written complaint submitted at the informal stage, together with a note indicating which matters remain unresolved. No new complaints may be included.

6.3 A meeting of the governing body's Complaints Committee will be arranged. The clerk will send the text of the formal complaint to the Head teacher and chair of governors. The School may have up to 10 school days from receipt of this notification to submit its response to the clerk. The meeting will be arranged as soon as possible and normally for a date within 15 to 30 school days of receipt of the complainant's request for the Complaints Committee meeting. If there is difficulty agreeing a date the chair of governors makes the final decision.

6.4 Any documents from either the complainant or the Head teacher which are to be considered by the Committee, and the names of any witnesses who might be called, must be received by the clerk at least seven school days before the meeting. The agenda for the meeting and copies of all papers submitted will be sent to the Complaints Committee members, the complainant, the Head teacher, the chair of governors and Director of Education at least five school days before the meeting date. The Head teacher will copy relevant papers to any member/s of staff named in the complaint.

6.5 The Chair of the Complaints Committee will be formally elected by the committee members at the start of the meeting convened to conduct hearing. Any administrative decisions that need to be made prior the meeting will be taken by the Chair or Vice-Chair of Governors.

- 6.6 The complainant may bring a friend, interpreter or advocate to the meeting.
- 6.7 The Head teacher may bring a friend, professional association representative or advocate to the meeting.
- 6.8 If members of staff are asked by the Head teacher to be present at a Complaints Committee meeting, they have a right to bring a friend, trade union representative or advocate.
- 6.9 It is not normally necessary for a pupil to attend the Complaints Committee meeting but if the parent wishes the pupil to be present for any part of the meeting then they must notify the clerk to the governing body at least seven days before the meeting.
- 6.10 The committee will be made up of governors who have not previously had any involvement with the complaint.
- 6.11 They will consider the complaint on the basis of the papers they receive and what is said in the meeting.
- 6.12 In the event of either party not attending the meeting, the chair of the Committee will decide whether to proceed or to adjourn, at any stage.
- 6.13 The chair of the Complaints Committee will control the meeting and will aim to complete all the business at a reasonable time without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, by answering questions succinctly and by being polite throughout.
- 6.14 The Complaints Committee can:
 - uphold the complaint in full;
 - uphold it in part;]
 - dismiss it.

In complex cases they may wish to give a complex response.

In the most straightforward cases, the Chair of the Complaints Committee will agree to announce the Committee's decision orally on the day of the meeting. In other cases, the Chair will dismiss the complainant, the Head and the witnesses once all the evidence has been gathered, and the decision will be communicated in writing only.

The clerk will in either case send the complainant, the Head teacher, the chair of governors and the Director of Education a letter setting out the outcome of the meeting, within seven days of the meeting. The Head teacher will copy relevant papers to any member/s of staff named in the complaint.

- 6.15 Having come to a decision about the complaint, the committee may refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the Head teacher.

- 6.16 The Complaints Committee should ensure that a written response is given to the complainant, giving details of the reasons for upholding or dismissing the complaint, as soon as possible after the meeting.
- 6.17 The Director of Education has the right, under this procedure, to have a representative present at all stages of the governing body Complaints Committee meeting and to have a copy of all associated paperwork.

7. Formal complaint to the local authority

- 7.1 If one of the parties (i.e. the complainant or the Head teacher) believe either that the complaint has not been properly and fairly dealt with by the governing body, or that the outcome is unreasonable, then a formal request for adjudication may be made to the Local Authority (LA). Such a request will be expected to be received by the LA within 15 days of the date of the letter from the clerk giving the outcome of the governing body's Complaints Committee meeting.
- 7.2 The LA has a statutory responsibility to consider a Complaint about the Curriculum which has not been resolved by the governing body.
- 7.3 To refer a formal complaint to the LA either party writes a letter to the Director of Education setting out the grounds of dissatisfaction.
- 7.4 The Director of Education, or his representative, will, within 5 school days:
- write to acknowledge the letter
 - forward a copy of the letter to the chair of the governing body Complaints Committee and to the other party and offer each the right of appeal.
 - Ask Human Resources Department to establish an Adjudication Panel.

Any documents from the chair or the other party to be considered by the Adjudication Panel, and the names of any witnesses who might be called, should be received by the Director within 10 school days of the date of the Director's letter.

- 7.5 The Director of Education will arrange for collation of all paperwork and will send it to Human Resources for distribution.
- 7.6 The Adjudication Panel will normally meet within 30 school days of the Director's request and will be composed of three or five members appointed by the LA from the following categories:
- People who are eligible to be lay members. This means people without personal experience in the management of any school or the provision of education in any school (disregarding experience as a school governor or in another voluntary capacity). There must be at least one lay member of the panel;

- People who have experience in education, who are acquainted with educational conditions in the LA's area, or who are parents of registered pupils at a school. There must be at least one panel member from this category.
- The disqualifications of persons from serving on the Adjudication Panel are the same as for Admissions Appeal Panels.

7.7 The complainant may bring a friend, interpreter or advocate to the meeting.

7.8 The Head teacher may bring a friend or professional association representative.

7.9 It is not normally necessary for a pupil to attend the Adjudication Panel meeting but if the parent wishes the pupil to be present for any part of the meeting then they must notify the clerk to the Panel at least seven days before the meeting.

7.10 The Adjudication Panel will then decide on the basis of the paperwork and what is said at the meeting, whether or not:

- the correct procedure was followed;
- the outcome was reasonable.

The Director of Education has a right to attend or be represented and may give advice to the Adjudication Panel.

7.11 The Adjudication Panel can decide to:

- uphold the decision of the governing body; in this case the matter rests;
- recommended the governing body to reconsider the complaint in the light of the finding of the adjudication.

In addition the Adjudication Panel may make recommendations to any of the parties involved and will send a letter setting out the outcome of the Panel meeting, normally within 10 school days of the meeting, to the:

- original complainant;
- chair of the governing body Complaints Committee;
- Head teacher (who will copy relevant papers to any member/s of staff named in the original complaint);
- chair of the governing body;
- Director of Education.

7.12 There is no further appeal to the Local Authority. If a complaint wishes to pursue the complaint then they have recourse to the Secretary of State or the Local Government Ombudsman.

8. Formal Complain to the Diocesan Bishop

The following procedure applies to complaints about Worship

8.1 If one of the parties (i.e. the complainant or the Head teacher) believe either that the complaint has not been properly and fairly dealt with by the governing body, or that the outcome is unreasonable, then a formal request for the adjudication may be made to the appropriate Diocesan Bishop. Such a request will be expected to be received within 15 days of the date of the letter from the clerk giving the outcome of the governing body's Complaints Committee meeting.

8.2 The Diocesan Bishop has a statutory responsibility to consider the complaint about the Worship in Voluntary Aided and Voluntary Controlled Church Schools and about R.E. in Voluntary Aided Church Schools which has not been resolved by the governing body.

8.3 To refer a formal complaint to the Diocesan Bishop either party writes a letter to the Bishop setting out the grounds for dissatisfaction.

8.4 The Diocesan Bishop will then decide, on the basis of the paperwork, whether or not

- the correct procedure was followed;
- the outcome was reasonable.

8.5 The Diocesan Bishop can decide to

- uphold the decision to the governing body; in this case the matter rests;
- recommend the governing body to reconsider the complain in the light of the findings of the adjudication.

In addition the Diocesan Bishop may make recommendations to any of the parties involved and will send a letter giving the outcome of his deliberations, normally within 10 school days of his decision, to the:

- original complainant;
- chair of the governing body Complaints Committee;
- Head teacher (who will copy relevant papers to any member/s of staff named in the original complaint);
- chair of the governing body.

8.6 There is no further appeal to the Diocesan Bishop.

9. Monitoring

The Governing Body regards the monitoring of complaints as important. The Head teacher should report to the Full Governing Body on an annual basis on the number of formal complaints received; whether they were complaints about the curriculum or otherwise; the level reached, and whether the complainant was satisfied or not.

Reports relating to

- Racial incidents (actual or perceived)
 - Bullying (actual or perceived)
- should also be reported to the Governing Body to enable them to ensure that the Racial Equality and Bullying / Behaviour Policies are effective and are being satisfactorily implemented and managed within the school.

Reports of actual or perceived racial incidents must be reported to the LA.

10. Review

The Local Authority may review and instruct the Governing Body to amend this procedure from time to time.

Part B:

Procedure to deal with Other Complaints about the School (i.e. excluding the Curriculum)

- 1. Purpose** The purpose of this procedure is to provide a structured opportunity to express and resolve concerns about the school **other than the curriculum** and thus to improve the provision for our pupils.
- 2. Introduction** This procedure builds on the legal requirements of Section 29 of the Education Act 2002 and the Guidance issued in the Department of Education & Skills School Complaints Procedure Toolkit – LEA 0180/2003. It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.
- 3. Scope of this Procedure** This procedure is designed **only** to resolve complaints about the matters in the school which are the sole responsibility of the school governing body.

Separate procedures exist to resolve complaints about the Curriculum (see section A above) and to **resolve Complaints for which the LA has responsibilities** (see Appendix C of the LA's Complaints Policy).

This procedure is also not designed to resolve complaints for which a more specific procedure exists (e.g. the School's Grievance Procedure).

- 4. Stages** The procedure has two possible stages and all complainants must begin with the informal stage:
 - **Informal:** most concerns are easily resolved informally by discussion with staff at the school; more difficult or complex concerns may take more than one discussion.
 - **Formal complaint to the governing body:** if, after careful attempts, a resolution is not achieved, a formal complaint can be made to the governing body.

5. Informal Stage

5.1 This school is happy to receive suggestions and compliments and talk about concerns, which help us identify areas of success, and areas in which we could improve. Where a concern is brought to the school's attention it can almost always be resolved with a single conversation, often with the class teacher. Sometimes an issue is more complex and will take more than one discussion to resolve.

- 5.2 The school will, however, resist abuse of the complaints procedure. It will not respond to complaints that are vexatious, repeated or manifestly trivial. It may decline to deal with some complaints where the number of complaints made by a particular individual or family is unreasonable.
- 5.3 Concerns should generally be raised in the first instance with the child's class teacher. If the matter cannot be resolved it should be referred to the Head teacher or Deputy Head teacher. Where, however, the concern is about the School's policy rather than the behaviour of the school or its staff on a particular occasion, it should be raised in the first instance with the Head teacher or Deputy Head teacher.
- 5.4 Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a complaint. The complainant should confirm the complaint in writing to the Head teacher - a form to help with this is attached. The complaint will be formally acknowledged in writing within five school days. The Head teacher will copy relevant papers to any member/s of staff named in the complaint.
- 5.5 The Head teacher has the right of written reply to the written complaint.
- 5.6 There will be an opportunity for mediation at this point, which could involve a governor of the school, a governor of one of the other two Church of England schools with which the school collaborates, or an officer of the Local Authority.
- 5.7 If a concern is about the Head teacher, then it should be raised with the Chair of the School Governing Body.
- 5.8 Any concerns should be raised as soon as possible after the event.

6. Formal complaint to the governing body

This can be made only if the complainant has:

- sought to resolve the concern through an informal approach to the school;
 - been allowed reasonable offer by the school to discuss the result of that investigation of the concern;
 - accepted any reasonable offer by the school to discuss the result of that investigation;
 - put the complaint clearly in writing (normally within six months of the event).
 - taken part in the process of mediation offered by the school.
- 6.1 This school governing body has a Complaints Committee whose responsibility it is to hear and decide about non-curricular complaints about the school which have not been resolved at the informal stage. The Complaints Committee is made up of a group of governors.
- 6.2 The complainant should write to the governing body clerk, at the school, requesting a meeting of the Complaints Committee. Enclosed with the letter should be a copy of the written complaint submitted at the informal

stage, indicating which matters remain unresolved. No new complaints may be included.

- 6.3 A meeting of the governing body's Complaints Committee will be arranged. The clerk will send the text of the formal complaint to the Head teacher and chair of governors. The school may have up to 10 school days from receipt of this notification to submit its response to the clerk. The meeting will be arranged as soon as possible and normally for a date within 15-30 school days of receipt of the complainant's request for the Complaints Committee meeting. If there is difficulty agreeing a date the chair of the Governors makes a final decision.
- 6.4 Any documents from either the complainant or the Head teacher which are to be considered by the committee, the names of any witnesses who might be called must be received by the clerk at least seven school days before the meeting. The Agenda for the meeting and copies of all papers submitted will be sent to the Complaints Committee members, the complainant and the Head teacher at least seven clear days before the meeting date. The Head teacher will copy relevant papers to the member/s of staff named in the complaint.
- 6.5 The Chair of the Complaints Committee will be formally elected by the committee members at the start of the meeting convened to conduct the hearing. Any administrative decisions that need to be made prior to the meeting will be taken by the Chair of Vice-Chair of Governors.
- 6.6 The complainant may bring a friend, interpreter or advocate to the meeting.
- 6.7 The Head teacher may bring a friend, professional association representative or advocate to the meeting.
- 6.8 If members of staff are asked by the Head teacher to be present at a Complaints Committee meeting, they have a right to bring a friend or trade union representative.
- 6.9 It is not normally necessary for a pupil to attend the Complaints Committee meeting but if the parent wishes the pupil to be present for any part of the meeting then they must notify the clerk to governing body at least seven school days before the meeting.
- 6.10 The committee will be made up of governors who have not previously had involvement with the complaint.
- 6.11 They will consider the complaint on the basis of the papers they receive and by what is said at the meeting.
- 6.12 In the event of either party not attending the meeting, the chair of the committee will decide whether to proceed or to adjourn, at any stage.
- 6.13 The chair of the Complaints Committee will control the meeting and will aim to complete all the business at a reasonable time without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point they wish to make, by keeping to the point, by answering questions

succinctly and be being polite throughout.

6.14 The committee can:

- uphold the complaint in full;
- uphold it in part;
- dismiss it.

In complex cases they may wish to give a complex response.

In the most straightforward cases, the Chair of the Complaints Committee will agree to announce the committee's decision orally on the day of the meeting. In other cases, the Chair will dismiss the complainant, the Head and the witnesses once all the evidence has been gathered, and the decision will be communicated in writing only.

The clerk will either case send the complainant, the Head teacher and the chair of the Committee a letter setting out the outcome of the meeting, within seven days of the meeting. The Head teacher will copy relevant papers to any member/s of staff named in the complaint.

6.15 Having come to a decision about the complaint, the committee may refer issues of the principle or general practice to another forum, such as the governing body, or to an individual such the Head teacher.

6.16 The Complaints Committee should ensure that a written response is given to the complainant, giving details of the reasons for upholding or dismissing the complaint, as soon as possible after the meeting.

6.17 There is no further appeal to the Governing Body. If a complainant wishes to pursue the complaint then they have recourse to the Secretary of State or the Parliamentary Ombudsman.

7. Monitoring

The Governing body regards the monitoring of complaints as important. The Head teacher should report to the Full Governing Body on an annual basis on the number of formal complaints received; whether they were complaint about the curriculum or otherwise; the level reached, and whether the complainant was satisfied or not.

Reports relating to:

- Racial incidents (actual or perceived)
- Bullying (actual or perceived)

should also be reported to the Governing Body to enable them to ensure that Racial Equality and Bullying / Behaviour Policies are effective and are being Satisfactorily implemented and managed with the school.

Reports of actual or perceived racial incidents must be reported to the LA.

8. Review

The Governing Body may review and amend this procedure as the need arises.

Complaint Notification Form

Please complete this form and return it to the Head teacher or (if your complaint relates to the Head teacher) the chair of Governors, who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (or the School):

Your address:

Your postcode:

Your daytime telephone number:

Your evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try to resolve your complaint? Who did you speak to and what was the response?

What action do you feel might resolve the problem?

Are you attaching any paperwork? If so please give details:

Signature:

Date:

For official use only

Date complaint received:

Acknowledgement sent by:

Date acknowledgement sent:

Complaint referred to:

Date referred:

Record of subsequent procedures: