

New Vision Trust Complaints Procedure 2020-21

Subject : Managing school complaints

1. Background

This guidance on school complaints is based upon elements of the DfE document on 'Best Practice Advice for School Complaints Procedure 2016. This procedure has been provided to ensure that staff, governors and parents understand their obligations and duties in relation to the Education (Independent School Standards) (England) Regulations 2014 Schedule 1, Part 7 and how school complaints will be dealt with.

2. Who can make a complaint?

Any person, including members of the public, may make a complaint about any provision of facilities or services that the school provides, unless statutory procedures apply (such as exclusions or admissions). Elmhurst Primary School must not limit complaints to parents or carers of children that are registered at the school.

a) Investigating complaints

At each stage the school will ensure that the person investigating the complaint:-

- Establishes what has happened so far
- Identifies who has been involved
- Understands the nature of the concern or complaint
- Knows what issues remain unresolved
- Have contacted the complainant to establish and clarify information
- Have spoken to or interviewed those involved as required
- Conducts meetings with an open mind and be prepared to persist with questioning and finding the answer
- Keeps accurate records of the complaint including notes of any meetings, discussions and if required arrange for a minute/note taker.

b) Resolving complaints

Elmhurst Primary School will acknowledge and register complaints from complainants. The possible outcomes of a complaint will be one or more of the following (this list is not exhaustive):-

- An apology
- An explanation of what actually happened, clarification of the facts
- An admission that the situation could have been handled differently or more appropriately
- An assurance that the event complained of will not reoccur
- 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.

3. The Stages of a Complaints Procedure

a) Stage 1 – Informal

The complaint is dealt with by the class teacher and /year head. In the vast majority of cases, a concern can and should be resolved by contacting the member of staff identified above. The initial communication from the complainant to the member of staff may be by letter, telephone conversation or in person by appointment. The complainant must allow the designated staff member time to respond. If this does not lead to a resolution of the problem then the concern/complaint must be referred to the next stage of the process which is the commencement of the formal process.

b) Stage 2 – Formal (if unresolved at Stage 1)

If the complainant is dissatisfied with the response from the member of staff at Stage 1 then the complaint will be heard by the leadership team member responsible for a specific phase. The complainant should either address their complaint verbally or in writing to the Assistant Head teacher who will deal with it formally at Stage 2. Where the Assistant head teacher is the subject of the complaint, the complainant should be advised to address it to the headteacher.

The complainant must ensure that they include details of why they are still dissatisfied and what action they would like to resolve the complaint. They can also attach any evidence to support their concerns. The Assistant Head teacher must acknowledge the complaint within 5 days by writing to the complainant. The acknowledgement should state a further communication will follow which might include a face to face meeting, within 20 school days, that will set out the actions taken to investigate the complaint and the findings.

Once satisfied that the investigation has been concluded and a decision has been reached, the Assistant Head teacher must notify the complainant of the conclusion and any actions that will be taken as a result. If the complainant is still dissatisfied with the outcome they can contact the Headteacher outlining why they are still unhappy.

Stage 3 – Formal (if not resolved at stage 2)

If the complainant is dissatisfied with the response from the Assistant head teacher at Stage 2 then the complaint will be heard by the head teacher. The complainant should either address their complaint verbally or in writing. Where the headteacher is the subject of the complaint then the complainant should address it to the head teacher. If the head teacher is the subject of the complaint, the complainant should be advised to address it to the Chair of Governors.

The complainant must ensure that they include details of why they are still dissatisfied and what action they would like to resolve the complaint. They can also attach any evidence to support their concerns. The headteacher must acknowledge the complaint promptly. The acknowledgement should state a further communication will follow which might include a face to face meeting, within 10 school days, that will set out the actions taken to investigate the complaint and the findings.

Once satisfied that the investigation has been concluded and a decision has been reached, the Head teacher must notify the complainant of the conclusion and any actions that will be taken as a result. If the complainant is still dissatisfied with the outcome they can contact the Chair of Governors outlining why they are still unhappy.

c) Stage 4 – Formal (if not resolved at stage 3)

The Governing Board hears the complaint. This is the final stage of the process.

If the complainant is dissatisfied with the response from the Head Teacher at Stage 3 they should be advised that the next stage is to put their complaint in writing to the School Governing Board at Stage 4.

The complainant must ensure that they include details of why they are still dissatisfied with the decision of the Head Teacher, recommendations and actions of the Stage 3 complaint and what they feel would resolve the matter. They can also attach any evidence to support their concerns in addition to that submitted at Stages 1, 2 and 3.

The complaint will be acknowledged within 10 school days.

The complaint is considered by a panel of Governors who form a complaints appeal panel. The panel must be independent and impartial. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. The panel must have a cross-section of categories of governors and sensitive to the issues of race, gender and religious affiliation. At least one member of the panel at this stage will be independent of the management and running of the school. Complaints should not be shared with the whole governing body, except in very general terms

The panel must convene a meeting to discuss the complaint and all the investigation evidence to make a final decision on how to progress. A clerk should be appointed to take notes of the meeting and records must be kept.

The head teacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the governing body. Therefore the remit of governors' consideration of a complaint about a matter of internal organisation and control will be as to whether the head teacher has followed any relevant school policies; it is not to substitute its own operational judgement for that of the head teacher.

The panel can decide:

- ☛ To convene a meeting with the complainant. If a meeting is to be convened, the person chairing the meeting either the Chair or Vice-chair (whomever did not deal with the complaint at Stage 3), will write to the complainant to acknowledge the complaint within 10 school days. The letter would also include the date, time and venue of the convened meeting to hear the complaint.

- ☛ Decide on the appropriate action to be taken to resolve the complaint

- ☛ For non-complex complaints, not to meet with the complainant, but to use all the information available to them and make a decision on the complaint as there is enough information to allow for a decision to be made.

Possible outcomes for the Panel

- ☛ Dismiss the complaint in whole or in part

- ☛ Uphold the complaint in whole or in part

- ☛ Recommend changes to school systems or procedures to ensure that similar do not occur

An outcome letter will be sent to the complainant within 20 school days of the meeting.

c) Dealing with vexatious complaints

On occasions, despite all stages of the procedures having been followed, the complainant continues to be dissatisfied. If the complainant tries to reopen the same issue, the Chair of the School Governing Body 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 recognised as vexatious and there will be no obligation on the part of the school to respond.

It is important to note however that, should a complainant raise a new, separate complaint, it must be responded to in accordance with the school complaints procedure.

4. Further information

The outcome letter from the School Complaints Panel exhausts the 4 Stage procedures. If the complainant is dissatisfied with the process, they are able to contact

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

The Ministerial and Public Communications Division will examine if the school complaints procedure and any other relevant processes were followed. The Ministerial and Public Communications Division will also examine policies to determine if they adhere to education legislation.

Reviewed September 2020

Complaints procedure form

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Daytime telephone number:
Evening telephone number:
Please give details of your complaint:
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response?)

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What actions do you feel might resolve the problem as this time?

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Are you attaching any paperwork? If so, please give details.

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Signature:

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Date:

OFFICAL USE ONLY:

Date acknowledgement sent:

By who:

Complaint referred to:

Date:
