

1. Policy Statement

- 1.2 This procedure provides Barnton Community Nursery and Primary School with a clear and transparent process that will enable the Headteacher and Staff to deal with all complaints as quickly and efficiently as possible. The length of time that this takes will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, all complaints should be settled within a period which is reasonable in the circumstances.
- 1.3 The procedure takes into account the principles laid down in the DCSF guidance on school complaints procedures.
- 1.4 All references to working days refer to days on which the school is open to pupils and for staff training days.

2. Scope of the Procedure

- 2.1 This procedure covers all complaints against the school by external persons / parties that do not have an alternative statutory avenue of appeal or complaint, i.e. admissions, exclusions, delivery of National Curriculum, some safeguarding children issues, provision of collective worship and religious education and SEN assessments. Where complaints make allegations of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure.
- 2.2 Employees of the school cannot use this procedure but, where necessary, should raise concerns via the appropriate staffing procedure, full details of which are available from the school.

3. General Principles

- 3.1 The Headteacher and staff should deal with all complaints in a transparent way and as quickly as is reasonably practicable. The person investigating the complaint should keep the Complainant informed during the investigation of their complaint and of the outcome, except where this is confidential, e.g. in the case of a staff disciplinary process. BCNPS will make every effort to resolve complaints in a non-confrontational and informal way.
- 3.2 Where the timescales within this procedure cannot be adhered to, BCNPS will inform the complainant as to why this is the case, and give a revised timescale for dealing with the complaint. This should be done within the specified timescale.

- 3.3 The Local Governing Body shall ensure that there are appropriate arrangements for recording complaints and the way in which they are resolved. Further, the Local Governing Body will regularly (at least once per school year), monitor the nature and level of complaints, so as to best ensure the effectiveness of the procedure, and consider any underlying issues the school may need to address, including whether specific actions identified by governors' appeal panels have been addressed.
- 3.4 There may be rare occasions when a complainant remains dissatisfied, despite the School following all the stages of the procedure. If the complainant subsequently seeks to re-open the same issue, the Chair of Governors has the right to inform the complainant that the procedure has been exhausted and the matter is closed.
- 3.5 The School may take advice on the operation of this procedure from their legal team.

4. Resolving Complaints

- 4.1 At each stage in the procedure the school will consider the ways in which the 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 for the School 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 the school has taken to ensure that it will not happen again;
 - an undertaking to review school policies in light of the complaint.
- 4.2 The School will encourage complainants 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.

5. Stages of the Procedure

- 5.01 The school should be able to resolve many concerns and minor complaints quickly and informally.
- 5.02 The class teachers or other members of staff are encouraged to resolve issues immediately, (depending upon the nature of the complaint.)
- 5.03 Unless there are exceptional circumstances the school should make every effort to have a full discussion with the complainant before moving into the stages of this procedure.

5.1 Informal Stage

- 5.11 If the immediate member of staff contacted by the complainant can not resolve the concern / complaint through such discussion, the complainant should contact the Headteacher. The complainant should make

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the complaint in writing to the Headteacher, or by another person on their behalf, with their consent, (by letter or email).

5.12 The Headteacher, or other nominated member of staff, should meet with the complainant to discuss the concerns within ten working days of receiving the complaint. Where necessary the Headteacher, or other nominated member of staff, should carry out a full investigation into the issues. The Headteacher will give a written response to the complainant as soon as possible but, in any case, within ten working days of this meeting. Where the complainant is dissatisfied with this response, the complaint should move to the first formal stage of the procedure.

5.2 Complaints against the Headteacher

5.21 The Chair of Governors shall conduct the informal stage of the investigation where the complaint is against the Headteacher. The Vice Chair of the Governors or other nominated governor will conduct the formal stage of the complaint if required.

5.3 Complaint against the Chair of the Governors.

5.31 The Vice Chair of Governors will conduct the informal stage or another governor nominated where the complaint is against the Chair of Governors.

The Vice chair will nominate another governor to investigate the complaint if the complaint progresses to the formal stage.

5.4 Formal Stage

5.41 If the complaint cannot satisfactorily be resolved informally, the complainant should put their complaint in writing to the Chair of Governors (or Vice Chair/ nominated governor where the complaint is against the Headteacher / Chair of Governors), which may be by letter or email, via the school. The appointed governor should meet with the complainant to discuss the concerns within ten working days of receiving the complaint or as soon as is reasonably practicable.

5.42 The appointed governor will review the investigation and Headteacher's decision and may confirm this decision or reach a different decision. The appointed governor may take advice from the Trust's legal team.

5.43 The appointed governor will communicate the response in writing to the complainant as soon as possible but, in any case, within ten working days of receiving the written complaint.

5.44 Where the complainant is dissatisfied with this response the complaint should move to the appeal stage of the procedure.

5.5 Appeal Stage

- 5.51 The complainant should send a written appeal to the *Chair of Governors*, either by letter or email, or, where the complaint is against the Chair, to the Vice-Chair or other nominated governor. This should state the original complaint and the reasons for on-going dissatisfaction. The appointed governor, acting reasonably, may decline to accept a complaint into the Appeal stage when the complaint has been wholly upheld at the Formal Stage and in light of all the circumstances there is no merit in the matter proceeding further.
- 5.52 The Chair (or Vice Chair) of *Governors* will set up an appeal panel, consisting of three governors who have had no previous involvement in consideration of the complaint. Where the complainant is a parent, governors may wish to consider the possible advantages of this panel including a parent governor. The appeal panel will hold the complaints appeal meeting in accordance with the procedure attached as Appendix A.
- 5.53 The Chair (Vice Chair) shall ensure that the meeting of the governors' panel takes place as soon as possible, but in any case a date should be set and communicated to the complainant within twenty working days of receipt of the appeal. The panel should communicate the governors' decision in writing to the complainant as soon as possible but, in any case, within five working days of the meeting. The complainant will have no further right to appeal this decision.

6. Opportunities to Request a Review

6.1 Review by the Trustees

- 6.11 Where the complainant can provide grounds to demonstrate that the *Governing Body* may have acted unreasonably or failed to follow this procedure, s/he may request in writing that the *Chair of Trustees* investigate further.

6.2 Complaining to the Secretary of State

- 6.21 If a complainant believes that the *Governing Body* has acted unreasonably s/he can complain in writing to the *Secretary of State for Children, Schools and Families*. Complaints to the *Secretary of State* are handled by the government's *Department for Education*.

6.3 Complaining to Ofsted

- 6.31 Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school.
- 6.32 Before complaining to the *Local Authority*, the *Secretary of State* or *Ofsted*, the school and the *LA* would expect that all stages of this procedure had been exhausted.

7. The Role of the Parent Partnership Service

- 7.1 The Parent Partnership Service helps parents/carers whose children have difficulties with learning, medical needs or mental health problems, from pre-school age to school leavers. The service is confidential and offers impartial advice and information to enable parents and carers to make decisions about their child's education. This includes supporting parents with complaints to schools.
- 7.2 The service can help parents consider what their complaint is about and the options available to them to resolve it, including more informal measures that can be explored in the first instance. If a parent wishes, the service can explain how to put a letter / case together to take the matter forward. Someone from the service can attend meetings with the parent to offer support but doesn't speak on behalf of or make decisions for the parent. The service also offers support after meetings have taken place to consider the conclusions of the meeting and if the parent feels a satisfactory outcome was achieved. If not the parent may have further options to consider.
- 7.3 Contact details for the service are (01829) 742997
mailto: parentpartnership@cheshirewestandchester.gov.uk

8. Distribution / Publicity

- 8.1 Authors of school policy and procedures should ensure clear signposting to this document in any appropriate school publications, which should indicate that a copy of the full procedure is available on the school website and in the school office.

Review:

This policy was drawn up following consultation with stakeholders. Staff will review it in line with our Policy Review Cycle, unless there are significant changes and therefore a need to review it sooner.

Approved by:

Chair of LGB



Headteacher

July 2020

APPENDIX A

Conduct of Complaints Appeal Meetings

- 1 Although this procedure may appear formal, the hearing should be conducted in as informal as way as possible, and the Chair of the panel should make every effort to make all parties feel comfortable.
- 2 The date of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting.
- 3 The Chair should ensure that the meeting is minuted.
- 4 The meeting will be attended by:
 - the complainant, with a companion if desired;
 - the Headteacher and / or Chair of Governors, as appropriate;
 - the members of the Governors' Complaints Panel;
 - a minute taker, appointed by the governors;
 - a legal representative to advise the Governors' Panel, where this has been requested and agreedMembers of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the governors.
- 5 The governors will select a Chair from amongst their number.
- 6 The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
- 7 The complainant (or his/her companion) will outline his/her complaint and explain why s/he is dissatisfied with the school's response to date. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
- 8 The Head Teacher and the governors will have the opportunity to ask questions of the complainant.
- 9 The Head Teacher and/or the Chair of Governors will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Headteacher and/or Chair of Governors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties
- 10 The complainant and the governors will have the opportunity to ask questions of the Head Teacher and/or Chair of Governors.
- 11 The governors may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.

- 12 Both parties will leave the meeting and the governors will consider the information that has been put to them.
- 13 The governors' panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the governors will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.
- 14 The governors will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The governors' response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which governors arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales.

Approved by:

Chair of Governors

Headteacher

Date:
