

# MOTTRAM ST. ANDREW PRIMARY ACADEMY



## COMPLAINTS PROCEDURE

### **Introduction**

Governing bodies of all maintained schools (including academies) must have in place a procedure for dealing with all complaints relating to their school and to any community facilities or services that the school provides.

This policy takes into account current Department for Education guidance.

All references to working days refer to days when the school is open to pupils and for staff training days.

The Governing Body will ensure a copy of the procedure is published on the school website and will also be available on request from the school office.

### **Scope of the Procedure**

This policy may be used by you if you are a parent/carer of a registered pupil at the school or if you are a member of the wider community or a person representing an ex-pupil of the school. It does not apply to current staff members, or former members of school staff in any matter arising out of their employment at the school.

Where your complaint makes an allegation of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure at any time or following recommendations at the conclusion of the complaints process.

If your complaint is about any third party provider on the school site you will normally be expected to use their complaints procedure.

Complaints will normally be dealt with following the 4 stages below.

### **General Principles**

All complaints should be dealt with in a transparent way and as quickly as is reasonably practical. You should be kept informed during the investigation of your complaint and of the outcome except where this is confidential e.g. in the case of a staff disciplinary process.

It is important that complaints are dealt with as expeditiously as possible. The school will normally expect you to raise your complaint within 12 term time calendar weeks of the event/matter complained of unless the Headteacher or Chair of Governors agrees there are exceptional reasons for not doing so.

The timescales for dealing with your complaint within this procedure should be adhered to as far as is reasonably practicable. Where this is not possible you should be informed, within the

specified timescale, as to why this is the case, and given a revised timescale for dealing with your complaint.

The Headteacher is responsible for the operation and management of the school's complaints procedure.

The Governing Body recognises that complaints may provide helpful insights and feedback for the Headteacher and staff, as well as the Governing Body, and as such support improvement in processes and practice.

### **Resolving complaints**

At each stage in the procedure school will want to consider the ways in which your complaint can be resolved which may include acknowledging that your 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 should not recur
- an explanation of the steps that have been taken to ensure that it should not happen again
- an undertaking to review school policies in light of the complaint

At any stage you should be asked to state what action you feel might resolve the issue.

### **Vexatious complaints**

The School defines vexatious complaints as follows:

- complaints which are obsessive, persistent, harassing, prolific, repetitious;
- insistence upon pursuing complaints and/or unrealistic outcomes beyond all reason;
- insistence upon pursuing complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- demands for redress which lack any serious purpose or value.

The school may judge your complaint to be pursued in an 'unreasonable manner' where your frequency of contact with the school hinders the consideration of the complaint and/or impedes the ability of the Headteacher and school to meet the needs of all pupils equitably.

Where the Headteacher, and/or Chair of Governors judges a complaint to be frivolous or vexatious, having considered all the relevant circumstances, s/he should take such actions as they consider appropriate which may include rejecting the complaint and/or restricting contact between you and the school. Any such decision should be communicated to you in writing with the reasons for it.

Where you seek to reopen a matter the same as, or similar to, a matter previously considered under the procedure the Chair of Governors has the right to inform you that the procedure has been exhausted and the matter is closed.

## **Stages of the Procedure**

Many concerns and minor complaints can be resolved quickly and informally through the class teacher or another member of staff, depending upon their nature. Unless there are exceptional circumstances every effort should be made by the school to have a full discussion with you and resolve the issues informally before moving into the formal stages of this procedure.

Individual Governors are unable to act on a complaint outside of the procedure set out in this document.

### **Stage 1 (Informal) Initial concern**

You should raise your concern by appointment with the class teacher or Headteacher as soon as possible. At this stage your concern may be raised by email but unless your concern is regarding a very minor matter, a meeting will be arranged. The purpose of the meeting should be to establish the nature of the concern and to seek a realistic solution to the problem. The staff member may refer you to a more appropriate member of staff who will try to resolve your concern informally. Where a particular member of staff is the subject of the concern you should raise the matter with the Headteacher.

If initial attempts to resolve your issues informally are unsuccessful and you remain dissatisfied you may wish to follow the formal complaints procedure set out below:

### **Stage 2 (formal) Complaint heard by the Headteacher**

If you remain dissatisfied either with the way in which your concerns have been handled or your issue remains unresolved you may wish to ask the Headteacher to hear your complaint formally.

You must complete the official Complaint Form for Stage 2 which you may download from the school website or obtain from, and return to, the school office addressed to the Headteacher. This must be received by the Headteacher within 10 working days of the informal meeting to resolve your complaint.

The Headteacher may ask another member of staff to assist with collating information as part of the investigation but the decision on the action to be taken will be made by the Headteacher.

The Headteacher should contact you within 10 working days of receiving your complaint, or as soon as is reasonably practical, to arrange a meeting with you at a mutually convenient time. You may be permitted to bring a friend or representative with you at this stage. Where necessary the Headteacher should carry out a full investigation into the issues raised. The Headteacher should give a written response to you within 10 working days of this meeting or as soon as is reasonably practical. Where you decline the offer of a meeting, the Headteacher should respond soon as possible after you notify the school that you do not wish to meet. Normally this should be within 10 working days. Where you remain dissatisfied with this response, the complaint should move to the third stage of the procedure.

Where your complaint is against the Headteacher personally, the Chair of Governors, another Governor or the Governing Body as a whole, the complaint should move straight to the Stage 3 of the procedure.

### **Stage 3 (formal) Complaint heard by the Chair of Governors**

If you are not satisfied with the response of the Headteacher, or where your complaint is against the Headteacher, you must complete the official Complaint Forms for Stage 2 and 3 (downloadable from the school website or obtain from the school office), and return to the Chair of Governors via the school office. This must be received by the Chair of Governors within 10 working days of receipt of the outcome at Stage 2.

The Chair\* should contact you within 10 working days arrange to meet to discuss your complaint.

The Chair should review the investigation and Headteacher's decision and may confirm this decision or reach a different decision. The Chair may choose to reinvestigate the complaint in whole or in part. The Chair may take advice from appropriate bodies.

The Chair should communicate their response in writing to you within 10 working days of the meeting. If this is not reasonably practicable, you should be informed in writing, with reason(s) for the delay.

Where you decline the offer of such a meeting the Chair should inform you of the outcome of the investigation within 10 working days of your notification that you do not wish to meet or as soon as is reasonably practicable.

Complaints against the Chair of Governors or any individual Governor should be made in writing on the official Complaint Forms for Stages 2 and 3, returning to the Clerk to the Governing Body via the school office. You should not contact individual Governors at their home address.

Where you are dissatisfied with this response the complaint should move to the appeal stage of the procedure.

\*Chair or other nominated Governor.

### **Stage 4 (formal) Complaint heard by Governing Body's Complaint Appeal Panel**

If you wish to appeal against the decision made at the formal stage you must do this by sending a written appeal to the Clerk to the Governing Body, on the complaints appeal form (downloadable from the website or available from the school office). This must be received by the Clerk to the Governing Body within 10 working days of receipt of the outcome at Stage 3.

An appeal panel should be convened, consisting of two Governors and an appointed independent person all of whom may, where possible, have had no previous involvement in consideration of the complaint. A complaints appeal meeting should be held in accordance with the procedure attached as Appendix A.

The meeting of the panel should take place as soon as possible, but in any case a date and time should be set and communicated to you within 20 working days of receipt of your request for an appeal. Every reasonable effort should be made by the Clerk to agree the date and time with you. Normally the appeal hearing should take place at the school, but for practical reasons an alternative venue may be arranged by the Clerk.

The panel's decision should be communicated in writing to you as soon as possible but, in any case, within 10 working days of the meeting.

The panel may:

- Dismiss your complaint in whole or in part;
- Uphold your 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 problems of a similar nature should not happen again.

You will have no further right to appeal this decision within the school.

**Complaint to ESFA (Education & Skills Funding Agency)**

If a complainant has exhausted the academy's complaints procedure, they will be advised that they can submit a complaint to the ESFA using the [online form](#) or in writing to:

Academy Complaints and Customer Insight Unit

Education and Skills Funding Agency

Cheylesmore House

Coventry

5 Quinton Road

Coventry

CV1 2WT

The ESFA will not overturn the panel's decision or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the school has:

- Breached a clause in its funding agreement.
- Failed to comply with education law or acted unreasonably when exercising related education functions.

**Conduct of Governing Body's  
Complaint Appeal Panel's 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 meeting should be 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 Complaints Appeal Panel;
  - a minute taker, appointed by the Governors;

Members 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 panel 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 their companion) will outline their complaint and explain why they are dissatisfied with the school's response to date. The complainant may call any witnesses in support of their complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
- 8 The Headteacher and the Governors will have the opportunity to ask questions of the complainant.
- 9 The Headteacher and/or the Chair of Governors will explain their involvement in the complaint and the reasons for their decisions. The Headteacher and/or Chair of Governors may call any witnesses in support of their 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 members of the panel will have the opportunity to ask questions of the Headteacher 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 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 panel 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 panel will communicate their response to both parties in writing as soon as possible but, in any case, within 10 working days of reaching their decision. The response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which the panel 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.