

# THE STOKE POGES SCHOOL

## Complaints and Resolutions Policy and Procedure

<b>Governors Committee Responsible for the Policy</b>	Full Governing Board
<b>Date Approved</b>	September 2020
<b>Recommended Review Period</b>	Annual
<b>Date for Review</b>	September 2021
<b>Person Responsible for the Policy</b>	Headteacher

### **Introduction**

Our governing board has approved this procedure to deal with concerns or complaints from members of the school community or general public. The school aims to review this procedure annually to ensure changes in policy, practice and/or legislation are captured.

### **Aims and Objectives**

Our school aims to be fair, open and honest when dealing with any complaint and to resolve it through open dialogue and mutual understanding.

Careful consideration will be given to all concerns and complaints and we will deal with them as swiftly as possible. We will provide sufficient opportunity for any complaint to be fully discussed.

### **In all cases we will put the interests of the child above all other issues.**

Our procedure is underpinned by the following **framework of principles**: -

- encourage resolution of problems by informal means wherever possible
- ensure the relevant procedure is easily accessible and publicised
- be simple to use and understand
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by a person or persons independent of the complaint where necessary
- respect people's desire for confidentiality, wherever possible (some information sharing may be necessary to carry out a thorough investigation)
- address all points of issue, providing an effective response and appropriate redress, where necessary
- provide information to the school's senior management team so that services can be improved.

### **Areas not covered by this procedure**

This procedure covers all complaints about any provision of community facilities or services by The Stoke Poges School other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Whom to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Buckinghamshire County Council.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our Child Protection Framework Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you should contact the local authority designated officer (LADO) who has local responsibility for safeguarding, or the Multi-Agency Safeguarding Hub (MASH). Further advice on reporting safeguarding issues can be found in our Safeguarding Advice and Guidelines for Volunteers leaflet.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the Behaviour Management Policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the Local Authority (LA) or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

- National Curriculum - content

Please contact the Department for Education at:  
[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

In addition, Ofsted has the power to investigate certain (qualifying) complaints about maintained schools, including those from parents. A qualifying complaint is one that affects the whole school, not an individual. More information can be obtained from the school or Ofsted.

If other bodies are investigating aspects of the complaint, for example the police, LA safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against The Stoke Poges School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

All other complaints are handled by the school according to the arrangements set out below. A flowchart summarising the school's complaints procedure can also be found at the end of this document. Also appended to this procedure is an explanation of the roles and responsibilities of those individuals who may be involved in the complaints procedure.

### **The difference between a concern and a complaint**

A concern may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure.

### **How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## **Time scales**

You must raise the complaint within three months of the incident/knowledge of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this timeframe if exceptional circumstances apply. This is at the joint discretion of the Headteacher and Chair of Governors.

## **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## **Resolving complaints**

At each stage in the procedure, The Stoke Poges School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

## **Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **Stage 1 – Informal School Procedure**

If you have any concerns about the school, or the education we are providing, please discuss the matter with your child's class teacher at the earliest opportunity. Most concerns can be resolved at this level, however, if after speaking to your child's class teacher, you are still concerned please discuss the matter with the Headteacher.

If your concerns or complaint relate to a member of staff or governor, not including the Headteacher, initial concerns are to be discussed with the Headteacher. If your concern or complaint relates to the Headteacher you may not wish to discuss the matter with the Headteacher in the first instance, in which case you should proceed in accordance with Stage 2 (as set out below).

It is **not** appropriate to publicise any concerns you may have on social networking sites. Please speak, or write, to someone at the school at your earliest convenience, rather than using any other means.

The school considers any concerns very seriously and most problems can be resolved following discussion and a shared understanding of the issues. All members of staff work very hard to ensure that each child is happy at school and is making good progress and they always want to know if there is a problem so they can help to resolve it as quickly as possible.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, The Stoke Poges School will attempt to resolve the issue internally, through the stages outlined below in this complaint's procedure.

## **Stage 2 – Formal School Procedure**

Most concerns are resolved at Stage 1, however if you remain dissatisfied and wish to take the matter further you will be asked to complete a complaint form (Appendix 1). What follows are details of the process the school will take in following the Stage 2- formal procedure:

### **Step 1 - Complaint Form**

The aim of the form is to ensure each party has a clear and common understanding of the complaint and includes a section on what actions might resolve the problem at this stage. It can be used by anyone making a complaint about the operation of the school which is not covered by an alternative procedure.

We are happy to provide the assistance of someone unconnected with the complaint, if you would like support in completing the form.

The form (see Appendix 1) must be returned to the Headteacher, via the school office, unless the complaint concerns the Headteacher or a governor, in which case it should be returned to the Chair of the governing board at the school address, marking the envelope 'FOR IMMEDIATE ATTENTION OF THE CHAIR OF GOVERNORS – ADDRESSEE ONLY'. If your complaint is about the Chair of the governing board, your completed form should be returned to the clerk of the governing board and marked accordingly for their attention.

You will receive an acknowledgement of the receipt of your complaint form within 5 working school days.

### **Step 2 - Face to Face Meeting**

We believe that discussing concerns directly with senior staff often enables an understanding to be reached more quickly and effectively than a formal investigation.

For this reason, we will consider the option of offering you an opportunity to attend a meeting with senior staff, at which the Chair of Governors (or another governor if appropriate) will act as facilitator and mediator. It may not be appropriate in all instances to offer such a meeting; if this is deemed to be the case by the school, you will be notified of such and the next steps explained to you.

You do not have to take the option of a meeting if it is offered and, should you choose not to do so, a formal investigation will be conducted into your complaint (see Step 3 below). Following the parties being satisfied of the outcome of Stage 2, you will be sent a letter within 10 working school days of the meeting confirming what was agreed and the conclusion reached.

### **Step 3 - Formal Investigation**

The purpose of this step is for the investigators to collate all the relevant information on the complaint, review any relevant documentation and information and seek the views of relevant people, where necessary. The aim is for the investigators to be in a position to reach a conclusion on how best to resolve the issue and for that resolution to be of satisfaction to all the parties.

An investigation will be carried out either by the Headteacher or another member of the senior leadership team into the complaint and will usually be undertaken within 15 days of receiving the complaint. The investigation should include:

- Discussion with the complainant
- Discussion with any other person who is either the subject of the complaint or who may have information on the circumstances giving rise to the complaint

A complaint co-ordinator will be assigned to the complaint (see Roles and Responsibilities section below). A written record of any meetings/interviews will be made and kept in relation to the investigation.

At the conclusion of their investigation the person undertaking it will provide you with a formal written response within 10 working school days. If the investigator is unable to meet any of the aforementioned deadlines, they will provide you with an update, within the given period, to explain why and include a revised timetable. It is our intention, however, to meet the deadlines whenever possible.

The formal written response should set out:

- A summary of your complaint
- Detail of what steps have been taken in the investigation
- What conclusions have been reached
- What action will be taken (if appropriate)

If, at any time, it becomes apparent that the complaint is a disciplinary or capability issue, the matter will be dealt with by following the appropriate HR procedure rather than the complaints procedure. You will be advised if any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate; however you are not entitled to know the detail of the final outcome, due to the rights of confidentiality afforded to the member of staff involved.

If the complaint is about the Headteacher, or a member of the Governing Board (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the Headteacher or member of the Governing Body must be made to the Clerk to the Governors, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the Governing Board

Stage 2 will be considered by an investigator independent of the school, appointed by the Governing Board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

If, following the outcome of the investigation, you feel your concern has not been resolved, you may choose to refer your complaint to Stage 3 of the procedure. This must be done in writing to the school within 5 working school days of your being notified of the completion of Stage 2.

### **Stage 3 – Panel Stage**

Upon receipt of a request for instigation of Stage 3, the Complaint Co-ordinator will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 working school days.

Requests received outside of this timeframe will only be considered if exceptional circumstances apply. The Clerk will write to you to inform you of the date of the meeting. They will aim to convene a meeting within 10 working school days of receipt of the Stage 2 request. If this is not possible, the Complaint Co-ordinator will provide an anticipated date and keep you informed.

If you reject the offer of three proposed dates, without good reason, the Complaint Co-ordinator will decide when to hold the meeting. It will then proceed in your absence on the basis of written submissions from both parties.

Stage 3 requires the complaint to be considered by a panel, normally comprising three non-staff governors, who have no detailed prior knowledge of or involvement in the complaint, or connection with you. If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the Governing Board

Stage 3 will be heard by a committee of governors independent of the school who have no knowledge of the case.

The panel will meet to consider the complaint and make a final decision about it on behalf of the Governing Board.

The purpose of the panel is to consider the complaint afresh and therefore members may need to conduct further investigation. The panel will not review the way in which the Stage 2 investigation took place. If you raise the conduct of the previous investigation as an additional head of complaint, this, along with any new complaint must be dealt with under Stage 1 of this procedure.

The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to your needs.

You have the opportunity to submit written evidence on the complaint ahead of the panel convening. Should you wish to do this you should provide this evidence as soon as possible after triggering Stage 3 and in any event within 10 working school days. If it is not possible to provide your evidence within this period, please inform the school in writing together with the intended timescale for provision of the evidence.

The panel will need to consider all relevant written evidence, policies/procedures and associated paperwork prior to the substantive panel meeting and therefore it is important there is sufficient time before hand for this to be done.

The panel meeting will normally take place within 15 working school days of your request to commence Stage 3.

Those attending the meeting should include the panel members, you as the complainant, any person about whom the complaint is made, the Headteacher/Chair of Governors, and a minute taker. You may be accompanied by a friend/partner. You may choose to be accompanied by a lawyer as your friend. If this is the case they may be allowed to attend the meeting. although it is not the intention of the policy to be a legalistic process. If you ask to bring a lawyer as well as a friend, governors can:

- ask you to choose one person you wish to be accompanied by or
- agree to both being present on the understanding that you recognise that the circumstances are exceptional and that only one person is to assist you and that the other person will be present as an observer only and will not actively participate in the process

The Headteacher will be given the same opportunities.

The Headteacher and the complainant may choose not to attend the panel hearing.

You may choose to take part in the meeting via telephone rather than in person. Please notify the school office if this is the case.

Attendees should be reminded that the process is not a legal one and that all parties are expected to conduct themselves accordingly. If the panel chair considers that those present are not adhering to the rules at all times, they can be asked to leave and all parties reminded of the procedure.

Representatives from the media are not permitted to attend the panel meeting.

Appendix 2 outlines the process that will be followed at a panel hearing.

### **Panel Hearing Procedure**

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

### **Record of the Panel Hearing**

Notes of the hearing should be taken by an independent note taker and passed to the panel Chair for agreement as soon after the meeting as is practicable.

The purpose of the notes is to act as a record of the meeting and for that reason they will not be routinely circulated to the Headteacher, other panel members or the complainant, unless a specific request to do so is received, in which case all parties will be informed accordingly.

The complainant may suggest amendments to the minutes; in this instance, the chair may agree to the changes being incorporated. If the Chair does not agree with the proposed amendments, the complainant's comments may be included as an addendum to the minutes.

### **Outcome of the Panel Hearing**

The panel will write to you within 5 working school days of the meeting, with an update on their deliberations and set out a timeframe for delivery of its conclusions.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions The Stoke Poges School will take to resolve the complaint.

The response will also advise you of how to escalate your complaint should you remain dissatisfied.

The panel's conclusions will be provided within the timeframe given but in any event no later than 15 working school days of the update letter. The panel's decision is final.

If you are still not satisfied, you may wish to put your complaint to the Secretary of State for Education, who can review whether the school has acted reasonably and followed the correct procedures. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by The Stoke Poges School. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The address is Department for Education, School Complaints Unit, Ministerial and Public Communications Division, 2<sup>nd</sup> Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD.

### **Serial or Persistent Complaints**

If complaints are being pursued in a way which can either impede the investigation of their complaint or have significant resource issues for the school, the school will follow any advice from the Department for Education and the Local Government Ombudsman, and will specifically refer to the Best Practice Advice for School Complaints Procedures document issued in March 2019.

### **Monitoring and Review**

The Governing Board monitors the Complaints Procedure, in order to ensure that all complaints are handled properly. The Headteacher logs all formal complaints received by the school and records how they were resolved. Governors examine this log on an annual basis and consider the need for any changes to the procedure.

### **Roles and Responsibilities**

#### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible

- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint (children will have a member of staff independent of the complaint in attendance)
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant believes would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or Complaints Committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Complaint Co-ordinator** (this would be either a staff member providing administrative support, or if not then the Headteacher or if not either of these then a governor)

The complaint co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaint's procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint, including interpretation support or where the complainant is a child or young person
- keep records.

## **Panel Chair**

The Committee's Chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease; this is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- if a new issue arises and it would be useful to give everyone the opportunity to consider and comment upon it, a short adjournment of the meeting should be called
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the Committee is open-minded and acts independently
- no member of the Committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Complaint Co-ordinator

## **Committee Member**

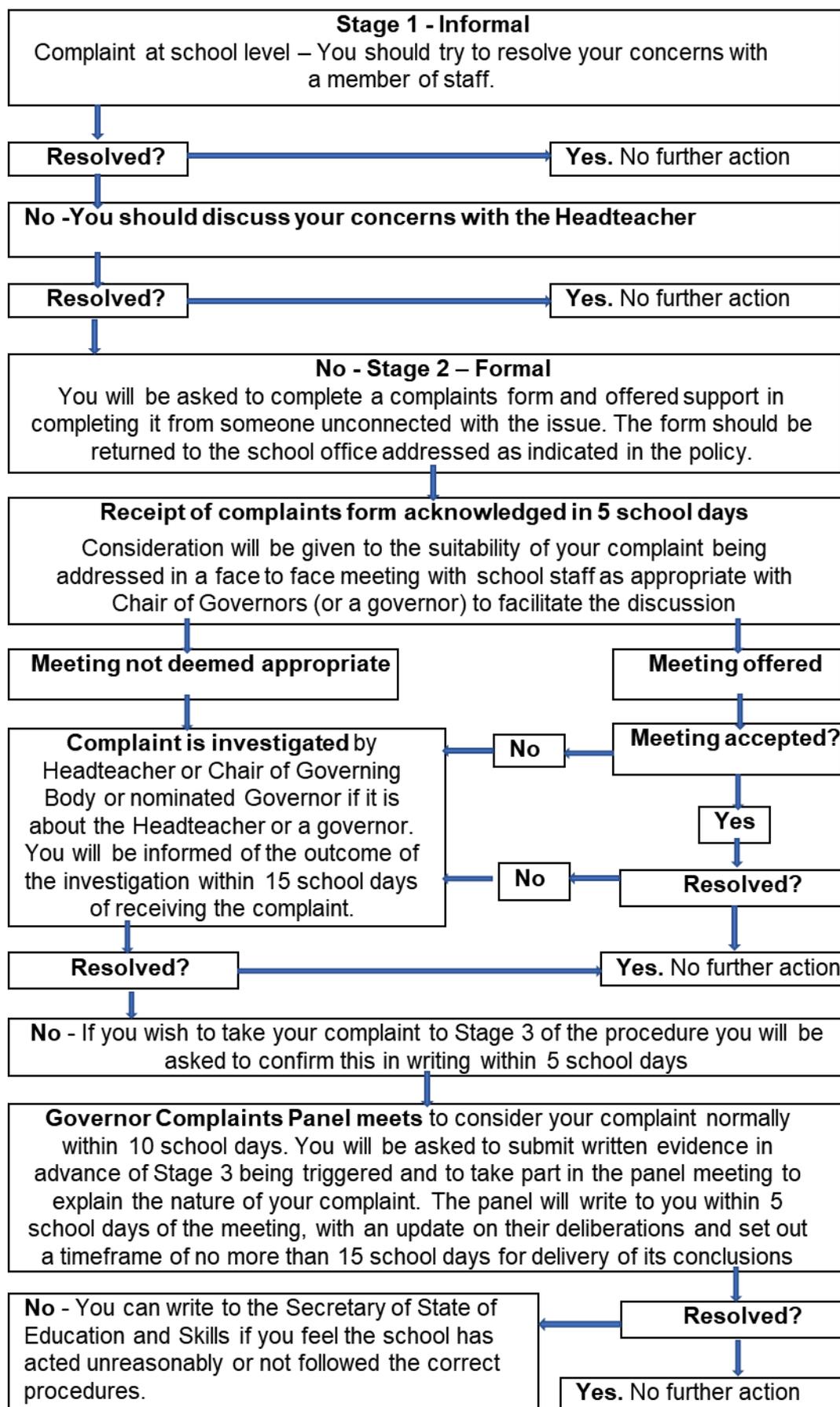
Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no governor may sit on the Committee if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- the complainant might not be satisfied with the outcome if the meeting does not find in their favour; it may only be possible to establish the facts and make recommendations
- many complainants will feel nervous and inhibited in a formal setting
- parents/carers often feel emotional when discussing an issue that affects their child
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated
- they should respect the views of the child/young person and give them equal consideration to those

of adults.

- if the child/young person is the complainant, the Committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the Committee should give the parent(s) the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the Committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

## Flowchart Summary



**Appendix One - Complaint form**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give concise details of your complaint, including dates, names of witnesses etc., to allow the matter to be fully investigated**

**What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to/write to and what was the response)?**

**What actions do you feel might resolve the problem at this stage?**

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

**Signature:**

**Date:**

***Official use***

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

## **Appendix Two - At the panel hearing**

- After introductions, the complainant will be invited to explain their complaint, and be followed by their witnesses (if any).
- The Headteacher/Chair of Governors may question both the complainant and the witnesses after each has spoken.
- The Headteacher/Chair of Governors is then invited to explain the school's actions and be followed by the school's witnesses (if any).
- The complainant may question both the Headteacher/Chair of Governors and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher/Chair of Governors is then invited to sum up the school's actions and response to the complaint.
- The Chair of the panel explains that both parties will hear from the panel within 15 working school days.
- as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value
- us repeatedly, and we believe their intention is to cause disruption or inconvenience