

FEDERATION OF ST. NICHOLAS C OF E MIDDLE SCHOOL, PINVIN, AND PINVIN C OF E FIRST SCHOOL



POLICY ON COMPLAINTS

SC06

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Statutory/ school policy status	DfE statutory
Review period	1 year
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Chair of Governors signature.....

Headteachers signature.....

Complaints Policy and Procedure

Introduction

The Pinvin Federation endeavours to provide the best education possible for all of its pupils in an open, caring and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the Federation intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without prejudice

In order to do so, the Governing Board of Pinvin Federation has approved the following procedure which explains what you should do if you have any concerns about the Federation. All members of staff will be familiar with the procedure and will be able to assist you.

Which procedure do I need?

Sometimes, when there are specific concerns, there are alternative and more appropriate policies and procedures than this Complaints Policy and Procedure.

The following list details specific topics and the correct policy to refer to.

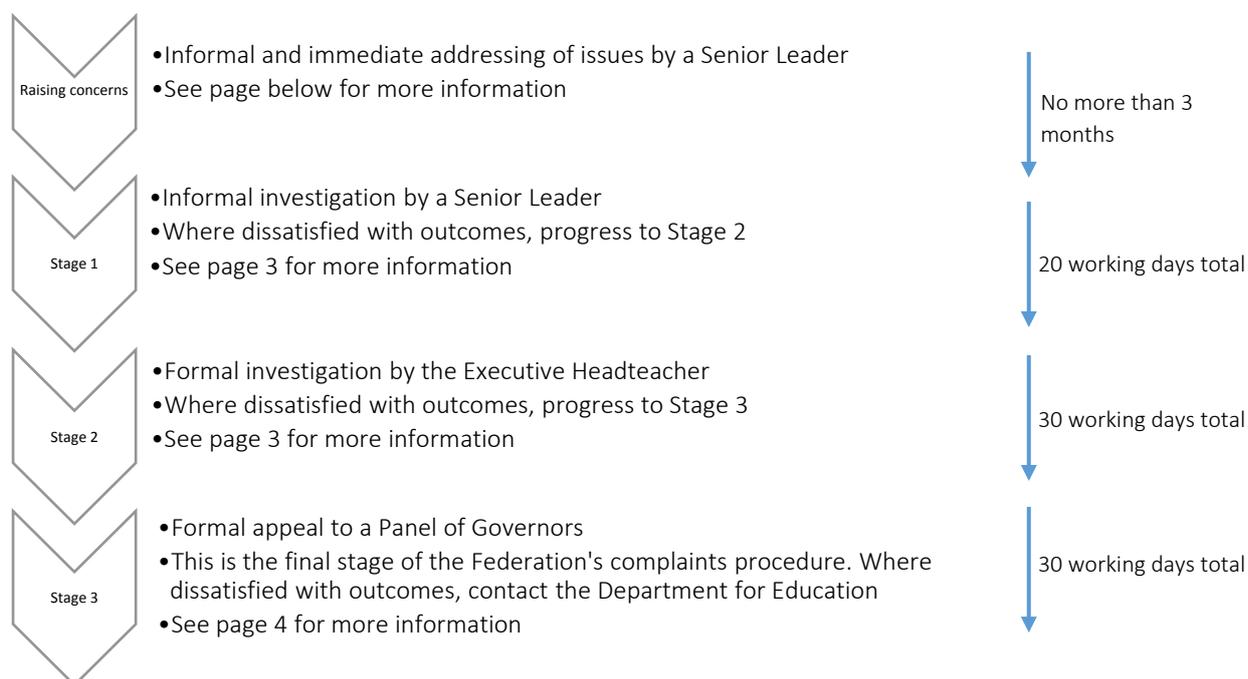
- Pupil admissions: contact Worcestershire County Council Children's Services
- Pupil exclusions: see the Federation's Positive Behaviour Policy
- Subject Access Requests and Freedom of Information Requests: see the Federation's Data Protection and Freedom of Information Policies
- Anonymous complaints: see the Federation's Whistleblowing Policy
- A complaint about a third party used by the Federation: deal directly with the third party but make sure that the Federation is kept informed.

You can access the above policies on the Federation's website or ask for a copy from the Federation's office (See page 7).

There are specific procedures for dealing with staff grievances, capability and disciplinary matters.

Raising concerns and the Complaints Procedure

Timeline



Raising concerns

The majority of concerns can be dealt with informally, without resorting to the Complaints Procedure.

Where you have a concern about your child's education or wellbeing, please raise this with a Senior Leader via the phone or in person (See page 7). Ideally, he/she can address your concerns on the spot, or arrange to meet you.

All concerns are dealt with confidentially. The Senior Leader may need to take notes if she/he feels that the matter needs to be taken further or it may arise again in the future. Any such notes are kept in accordance with the principles of the Data Protection Act 1998. They would be available as evidence if further investigation is required, or the concern becomes a formal complaint.

Who should I approach?

- Educational matters: Senior Leader
- Pastoral care: Senior Leader
- Disciplinary matters: Senior Leader
- Financial/Administration matters: Business Manager
- Complaint about a staff member's conduct: Executive Headteacher

Stages of the Complaints Procedure

Stage 1: Informal investigation by a Senior Leader

Where, as a result of raising a concern the complainant feels that the issue has not been addressed, cannot easily be resolved and needs further investigation, he/she may make an informal complaint. He/she follows these steps

- Complainant contacts in writing a Senior Leader, providing
 - An overview of the complaint so far
 - Who has been involved
 - Why the complaint remains unresolved
 - Action they would like to be taken to put things right
- The Senior Leader responds within 5 working days (excluding those which fall in the school holidays) of having received the written complaint. He/she explains what action he/she intends to take
- Where the complaint is about a member of staff, the Senior Leader arranges an informal mediation meeting between the 2 parties to see if matters can be resolved
- The Senior Leader provides a written confirmation of the outcome of the investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome he/she can progress to Stage 2 of the Complaints Procedure.
- The Senior Leader makes a record of the concern and the outcomes of the discussion which is held centrally for 12 months, in line with the principles of the Data Protection Act 1998

Stage 2: Formal Investigation by the Executive Headteacher

1. The complainant submits a formal complaints form to the Executive Headteacher (See pages 7 and 9).
2. The Executive Headteacher responds in writing, within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint, to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes
 - The Executive Headteacher considers all relevant evidence. This may include but is not limited to:
 - A statement from the complainant
 - Where relevant a statement from an individual who is the subject of the complaint
 - Any previous correspondence regarding the complaint
 - Any supporting documents in either case
 - An interview with anyone related to the complaint

3. The Executive Headteacher may decide to have a meeting with the complainant (and where relevant, the person who is the subject of the complaint) if appropriate to the investigation.
 - After considering the available evidence, the Executive Headteacher can:
 - Uphold the complaint and direct that certain action be taken to resolve it
 - Uphold the complaint in part. He/she may direct that action is taken to resolve the aspect that he/she finds in favour of the complainant
 - Reject the complaint and provide the complainant with details of the Stage 3 Appeals Procedure
 - The Executive Headteacher must inform the complainant of his/her decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint
He/she must explain clearly the decision made and detail any agreed actions arising from the complaint
Information must be provided on how, when the complainant is not satisfied, he/she can proceed to Stage 3 of the Complaints Procedure
4. A log of all correspondence in relation to the complaint is kept in accordance with the principles of the Data Protection Act 1998.

Stage 3: Appeal – review by a Panel of the Federation’s Governing Board

If the complainant wishes to appeal a decision by the Executive Headteacher at Stage 2 of the procedure, or he/she is not satisfied with the action that the Executive Headteacher took in relation to the complaint, the complainant is able to appeal this decision.

He/she must write to the Clerk to the Federation’s Governors (see page 7), within 4 weeks of receiving notice of the Executive Headteacher’s decision, briefly outlining the nature of the complaint and requesting that a Complaints Appeal Panel is convened. Request outside the 4 week period can only be considered in exceptional circumstances.

1. The Clerk to the Federation’s Governors writes to the complainant within 5 working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The Clerk to the Governors convenes a panel of 3 Federation Governors who have no prior knowledge of the complaint.
3. The appeal hearing takes place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the Clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties are invited, where applicable:
 - The complainant
 - The Executive Headteacher
 - Where the complaint relates to a member of staff; the staff member who is the subject of the complaint

The complainant may bring a companion to the hearing. Where the subject of the complaint is a member of staff, that staff member may bring a companion

A companion may be a friend or a colleague but not a legal representative

5. If the attendance of any pupils is required at the hearing, parental permission is sought. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing
6. The panel can make the following decisions:
 - Dismiss the complaint in whole or in part
 - Uphold the 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 that problems of a similar nature do not recur
7. All parties who attend the meeting are informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays)

This is the final stage of the Federation's Complaints Procedure.

If the complainant remains dissatisfied and wishes to take the complaint further he/she should contact the Department for Education (see page 8).

Complaints about the Executive Headteacher or the Governors

Where the Executive Headteacher is the subject of a complaint, the complainant should first approach the Executive Headteacher in an attempt to resolve the issue informally.

If the complainant is not satisfied with this outcome he/she should notify the Clerk to the Federation Governors (see page 7). The Stage 2 procedure will then commence, but with the Chair of Governors as the individual responsible for the investigation rather than a Senior Leader.

Where a complaint regards a Governor, the same process applies as for the Executive Headteacher. Where a complaint concerns the Chair of Governors, the complainant should contact the Clerk to the Federation Governors.

Informal resolution is sought, but where this fails, Stage 3 of the Complaints Procedure takes immediate effect. The Vice Chair manages proceedings.

Where the complaint is about a Governor, the complainant may request that Stage 3 of the proceedings is conducted by an entirely independent panel. This arrangement is entirely at the discretion of the Federation's Governing Board which notifies the Clerk of its decision. Where an entirely independent panel is required, timescales may be affected while the Federation sources appropriate individuals for the review.

Unreasonable complaints

If a complainant persists in raising the same issue, the Executive Headteacher will write to her/him explaining that the matter has been dealt with fully in line with the Federation's Complaints Procedures, and therefore the case is now closed. If the complainant wishes to take the matter further he/she should contact the Department for Education (see page 8)

Unreasonable complaints include the following:

- The complainant refuses to co-operate with the Federation's relevant procedures

- The complainant changes the basis of the complaint as the complaint progresses
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of the Federation's staff and Governors and it is clearly intended to aggravate
- The complainant acts in a way that is abusive or offensive

Where a complainant raises an issue that has already been dealt with via the Federation's Complaints Procedure, and that Procedure has been exhausted, the Federation will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

The Executive Headteacher uses his/her discretion to choose not to investigate these complaints. Where he/she decides to take this course of action, he/she must inform the Chair of Governors that he/she has done so, explaining the nature of the complaint and why he/she has chosen not to investigate. If the Chair deems it appropriate he/she can tell the Executive Headteacher to investigate the complaint. The full complaints procedure will then commence from Stage 1.

If the Chair upholds the Executive Headteacher decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may contact the Department for Education (see page 8).

Safeguarding

Wherever a complaint indicates that a child's well-being or safety is at risk, the Federation is under a duty to report this immediately to the Local Authority. Any action taken is in accordance with the Federation's Safeguarding Policy (See the Foundation's website or contact the Federation's office for a copy).

Social Media

In order for complaints to be resolved as quickly and fairly as possible, the Federation requests the complainants do not discuss complaints publicly via social media such as Facebook and Twitter. Complaints are dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

Complaints that result in staff capability or disciplinary procedures

If at any formal stage of the complaint, it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action remain confidential to the Executive Headteacher. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but not entitled to participate in the proceedings or receive any detail about them.

Timeframes

The Federation endeavours to abide by the timeframes stated under each stage (see page 2) but acknowledges that in some circumstances, this is not always possible, for example, due to the complexity of information needed to review a complaint or difficulties regarding an individual's availability to deal with the complaint.

If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint contacts the

complainant as soon as possible and comes to an agreed timeframe that works for all parties involved.

The Federation reserves the right not to investigate complaints that have been made 3 months after the subject of the complaint took place, except in exceptional circumstances i.e

- Where new evidence has come to light
- Where the complaint is of an especially serious matter
- Where there is a justifiable reason for the complainant not complaining within the 3 month period

The Executive Headteacher reviews the situation and decides whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

Contact details

1. Queries regarding any aspect of the Federation's Complaints Policy and Procedures should be directed to:

Mrs. S. Marklew
Clerk to the Federation's Governors
Pinvin Federation
St Nicholas C of E Middle School
Pinvin
Pershore
WR10 2ER
Telephone: 01386 554196
E-mail: office@st-nicholas.worcs.sch.uk

2. Contact for Stage 1 of the Complaints Procedure:

The Senior Leadership Team
Pinvin Federation
St Nicholas C of E Middle School
Pinvin
Pershore
WR10 2ER

Telephone: 01386 554196
E-mail: office@st-nicholas.worcs.sch.uk

3. Contact for Stage 2 of the Complaints Procedure:

Mr. A. Best
Executive Headteacher
Pinvin Federation
St Nicholas C of E Middle School
Pinvin
Pershore
WR10 2ER

Telephone: 01386 554196
E-mail: office@st-nicholas.worcs.sch.uk

4. Contact for Stage 3 of the Complaints Procedure:
Mrs. S. Marklew
Clerk to the Federation's Governors
Pinvin Federation
St Nicholas C of E Middle School
Pinvin
Pershore
WR10 2ER
Telephone: 01386 554196
E-mail: office@st-nicholas.worcs.sch.uk

5. If complainants feel that the Governing Board acted "unreasonably" in the handling of the complaint, they can complain to the Department for Education after the Federation's Complaints Procedure has been exhausted.

"Unreasonable" is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>

Pinvin Federation Formal Complaints Form

CONFIDENTIAL:

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed.....Date.....

<i>Official use</i> Signed.....Date received.....
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