

**Statutory Policy:**

Policy provided centrally for adoption by schools with minimal amendment to the core text. Changes are allowed to the text where indicated

# Complaints Policy & Guidance

## St Peter's Church of England Middle School

<b>Approved by:</b>	<b>Ethos &amp; Governance</b>
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## **Part A: ODST Complaints Policy Guidance**

This guidance is based on the DfE Model Complaints Procedure for an Academy in a Multi Academy Trust

### **Introduction**

We seek to ensure that complaints about a school are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, a school must be clear about the procedures they will apply when they receive a complaint.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

In most cases the class teacher will receive the first approach and it is helpful when staff are able to resolve issues on the spot. This may include offering a clear explanation; in some cases accepting that a situation could have been handled better whilst in other cases an apology may be appropriate.

We recognise however that sometimes parents, or members of our community, may wish to make a more formal complaint and have therefore adopted clear procedures to deal with these. These procedures follow three stages and are described in detail in Part B.

Stage 1: Informal – dealing with concerns at the earliest opportunity

Stage 2: Formal – making a formal complaint including investigation and mediation

Stage 3: Formal – convening a meeting of the Local Governing Body Complaints Panel

### **General Principles**

#### **Definitions**

Where the term “relevant body” has been used within this procedure, this means the Board of Trustees of ODST

Unless indicated otherwise, all references to “school” include both schools and academies

Unless indicated otherwise, all references to “teacher” include the Headteacher, including Executive Headteacher

Unless indicated otherwise, all references to ‘staff’ include both teaching and support staff.

#### **Consistency of Treatment and Fairness**

The relevant body is committed to ensuring consistency of treatment and fairness and will abide by all relevant employment and equality legislation.

#### **Delegation**

The relevant body has chosen to delegate some of its functions to Local Governing Bodies (LGBs) as set out in this procedure.

#### **Monitoring and Evaluation**

Any feedback or concerns from ODST schools regarding the procedure will be reported back in the first instance to the ODST Ethos and Governance Committee.

## Date of Review

The procedure will be reviewed as required by the Ethos and Governance Committee of the Board of Trustees of ODST to take account of any revised guidance from the local Safeguarding team and to any legislative changes and / or national policy development.

## The Responsibility of the School

Under the Education (Independent Schools Standards) (England) Regulations 2014 academies are required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised, for ODST schools this will be on the school's website.

The Local Governing Body (LGB) has delegated responsibility on behalf of the Trustees of ODST for ensuring that all pupils receive an appropriate and high standard of education. The Headteacher is responsible for making decisions about the school's internal management and organisation. The school should make it clear that parents and others should direct complaints to the school in most circumstances.

This Policy Guidance (Part A) and Model Procedure (Part B) will apply to all ODST schools. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal, for example regarding: Admissions, Child Protection, Whistleblowing, Grievances, Suspensions and Exclusions, complaints about external providers.

Where parents have concerns about the school's Special Educational Needs and Disabilities (SEND) provision, they should first raise their concerns with the class teacher. The SENCO, Headteacher and other school leaders will also make themselves available to meet with parents to discuss any concerns. They will try to resolve the complaint informally in the first instance. If this does not resolve concerns, parents are welcome to submit their complaint formally. Formal complaints about SEND provision in the school should be made in line with the school's complaints procedure, which follows.

Concerns or complaints about allegations of child abuse and staff discipline will be dealt with firstly through the separate agreed procedures (The Child Protection & Safeguarding Policy). Similarly, separate complaint procedures apply in relation to appeals relating to admissions, special needs assessment and exclusions as set out in the Trust's respective policies. Schools should make all parents aware of the existence of their complaints procedure. The school website will be the mechanism used by ODST schools.

## The Responsibility of ODST and the Local Authority

For most complaints, parents cannot take their appeal further than the LGB and neither ODST (as the employer) nor the Local Authority will investigate school matters on a parent's behalf nor would they review how the school has dealt with a complaint. The only grounds on which ODST may review the decision on a complaint made by a panel representing the Local Governing Body are with regard to the tests of illegality, irrationality or procedural impropriety; i.e. ODST would review whether the complaints panel has acted fairly and reasonably but it would not consider the detailed submissions put as evidence to the complaints panel by both parties. Where a panel is formed on behalf of ODST it would be expected to comprise a combination of Trustees, committee members and/or officers of ODST. If, following these steps, a complainant still feels that the school has acted unreasonably or not followed the correct procedures, they can write to the Secretary of State for Education via

<http://www.education.gov.uk/help/contactus/dfe>

## Who can make a Complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to St Peter's CE Middle School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), this complaints procedure will be used.

## 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 this complaints procedure. St Peter's CE Middle School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

## Using the Complaints Procedure

The resolution of a complaint can be an opportunity for the school to improve its practice and develop further a strong partnership with parents. The complaints procedure should be easily accessible and well publicised, so that parents know how to raise concerns.

It is desirable for any complaint to be addressed by a member of staff/governor at a level closest to the cause of concern.

Any complaint should be dealt with in a timely manner to enable early resolution and ensure fairness to all involved. Whilst recognising that each situation will be different, suggested timescales are provided in the flowchart on page 14 although it is expected that schools may well need to adapt these to suit the particular circumstances.

Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared in order to carry out a thorough investigation.

If the investigation of a complaint shows that it is justified, then the school should consider how to respond to it in an appropriate way.

All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the school.

A written record should be kept of all complaints that are made in accordance with this procedure and whether they are resolved following a formal procedure or proceed to a panel hearing; and the action taken by the school as a result of the complaint.

Correspondence, statements and records relating to individual complaints should be kept confidentially except where the Secretary of State or a body conducting an inspection requests access to them.

Staff and members of the LGB should have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.

## Dealing with Complaints – Formal procedures

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support before responding to any investigation into a complaint.

If it becomes apparent that the complaint has the potential to be a disciplinary issue or if the complaint is against any member of staff, it is for the Headteacher or designated senior member of staff or, in the case of the Headteacher, the Chair of the Local Governing Body or designated member of the LGB, in all cases in agreement with the ODST HR representative and School Improvement Lead, to determine if it is a disciplinary or capability matter. If this is the case, the matter will be dealt with by following the appropriate (disciplinary or capability) procedure and the complainant will be notified that this is the outcome of their complaint, i.e. “The matter has been referred to the appropriate procedure”.

### Anonymous Complaints

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

ODST is committed to dealing with all complaints fairly and impartially. Communication from complainants will not normally be limited but the Trust does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour. There may be occasions, when, despite all stages of procedures having been followed, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, the Chair of the LGB should inform them in writing that the procedure has been exhausted and that the matter is now closed.

### Unreasonable & Vexatious Complaints

ODST defines unreasonable complainants as those who because of the frequency or nature of their contacts with the schools, hinder the school’s consideration of their or other people’s complaints. A complainant may also be considered unreasonable if their complaint is considered to be vexatious.

A complaint may be regarded as unreasonable or vexatious when the complainant –

- Refuses to articulate their complaint or specify the grounds of their complaint, even following the offer of support
- Refuses to co-operate with the complaints process, whilst still seeking resolution
- Refuses to accept that some issues are outside of the scope of the complaints procedure
- Insists that the complaint is dealt with in ways which are incompatible with the school’s complaints procedure, or good practice
- Introduces trivial, or irrelevant information, or raises significant detailed but unimportant questions that they then wish to be addressed in detail
- Makes unjustified complaints about staff investigating their complaint and/or seeks to have them replaced
- Changes the basis of their complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless, or has been addressed)
- Refuses to accept the findings of the investigation where the school’s complaints procedure has been fully and properly completed
- Making excessive demands on school time by frequent, lengthy, complicated or stressful contact with staff while the complaint is being dealt with

A complaint may also be considered unreasonable if the complainant does so in a way that is,

- Malicious
- Aggressive
- Using falsified information
- Using abusive, offensive or discriminatory language

Whenever possible the complainant should be made aware that their complaint is at risk of being deemed unreasonable or vexatious prior to it being marked as such.

Where a complaint is deemed as unreasonable or vexatious a formal letter will be sent to the complainant advising them of this and stating that the matter is now closed. Where complainants continue to contact the school excessively, a communication plan, specifying methods of communication and limiting the number of contacts will be established. Communication plans will normally be reviewed after six months.

### **Third Party Providers**

Where a complaint is about something for which the school is not responsible, the complaint should be re-directed, and the complainant informed without delay.

### **Complaints Received Outside of Term Time**

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

### **Multiple Complaints**

In the event of complaints received from different complainants concurrently, or a complaint raised by a group of individuals, we reserve the right to adapt the complaints procedure, for example providing a template letter of response.

### **Time-scales**

Normally complaints will only be heard if received within three months of the incident, or where a series of incidents have arisen, within three months of the last of these incidents. Complaints made outside of this timescale may be considered in exceptional circumstances.

### **Managing Unreasonably Persistent Complaints or Harassment**

In the event of unreasonably persistent complaints or harassment, ODST reserves the right to adapt the complaints procedure as necessary. In such circumstances the following are examples of steps that may be taken.

- Informing the complainant informally that their behaviour is now considered to be unreasonable or unacceptable, and requesting a changed approach.
- Requiring that all future meetings with a member of staff are conducted with a third person present with notes taken.
- Informing the complainant that, except in emergencies, the school will respond only to written communication.
- Placing restrictions on the complainant's access to school and/or school staff.
- Ceasing all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult in school.
- Involving officers of the central ODST team.

ODST has a duty of care to its employees and will not tolerate any form of physical or verbal aggression or personal harassment against school staff. In such situations ODST may,

- Prohibit the individual from entering the school site, with immediate effect,
- Inform the individual that communication with them will cease other than in an emergency,
- Seek appropriate third-party intervention.

## **Part B: School Complaints Procedure for St Peter's CofE Middle School**

### **Introduction**

The staff and Local Governing Body of St Peter's CofE Middle School make every effort to address concerns raised quickly and at an early stage. The school operates an open-door policy and encourages parents to discuss any concerns with class teachers, or an appropriate member of the school staff at the earliest opportunity.

The staff and Local Governing Body recognise however that sometimes parents, or members of our community, may wish to make a more formal complaint and have therefore adopted the following procedure to deal with these.

### **Principles informing our complaints procedure**

This procedure is designed to:

- be well publicised and easily accessible
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time limits for action and keeping people informed of the progress
- encourage a mediation process if agreed by the complainant
- allow for a hearing of a panel of LGB Members, where appropriate
- respect people's desire for confidentiality, wherever possible
- address all points of issue, provide an effective response and appropriate redress where necessary
- allow opportunity for learning and improvement where applicable.

#### **Stage 1: Dealing with concerns at the earliest opportunity**

If parents, pupils or members of the public have concerns they should:

- discuss their concerns with the member of staff most directly involved and, if not satisfied,
- discuss their concerns with a senior member of staff and, if not satisfied; (this stage will not apply in small schools),
- discuss their concerns with the Headteacher.

At each stage in the procedure, the school will keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or 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 will not recur
- 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.



Complainants are encouraged to state what actions they feel might resolve the problem from the outset and at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

As part of considering a complaint the school will seek to identify areas of agreement and to clarify any misunderstandings that might have occurred.

Complainants should not approach individual members of the Local Governing Body (LGB) to raise concerns or complaints. They have no power to act on an individual basis and it will prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation at Stage 1, the member of staff investigating the complaint will provide an informal written response by letter or by email within 10 school days of the date of the receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

### **Stage 2: Making a Formal Complaint**

Where informal/in-school attempts have been unsuccessful in resolving a concern or complaint, the complainant should write to the Headteacher, unless the complaint is about the Headteacher, in which case the complainant should write to the Chair of the Local Governing Body (LGB) at the school address. In the case of a written complaint to the Chair of the LGB, the envelope should be marked 'Private and Confidential – FAO Chair of the LGB' and staff in the school office must ensure that the letter is forwarded without delay. All written complaints should be made using the model Complaint Form (Appendix 2).

Receipt of the written complaint form will be acknowledged in writing by letter or by email within 5 school days. On receipt of the complaint form, the Headteacher or Chair of the LGB will notify the ODST Governance Team and with their support ensure that they are able to:

- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right.

At this point the Headteacher or Chair of the LGB, with the support of the ODST Governance Team, will decide whether the complaint could be resolved informally or should go straight to the LGB Complaints Panel or whether a mediation stage should be offered. Mediation can only proceed if the complainant and the Headteacher are both willing for it to be tried.

### **Mediation**

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Headteacher another opportunity to hear each other's points of view (with a third party facilitating)
- it gives the third party an opportunity to help Headteacher and complainant identify and build on areas of agreement
- it gives Headteacher and complainant a structure within which they can resolve remaining differences
- if both complainant and Headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them; even if the complaint continues to a LGB Complaints panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part
- 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 have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint.

At the conclusion of the Stage 2 investigation, including mediation where that offer has been made and taken up, the Headteacher or Chair of the LGB will provide a formal written response.

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the matter to Stage 3, the final stage of the complaints procedure. There may also be certain situations, such as vexatious complaints, where the LGB will determine that neither mediation nor a Complaints Panel is appropriate and the complaint will therefore be dismissed at the end of Stage 2.

### Stage 3: Local Governing Body Complaints Panel

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of Local Governing Body (LGB) members.

A request to escalate a complaint to Stage 3 must be made in writing to the Clerk to the Local Governing Body (LGB) within 5 school days of the conclusion of Stage 2.

#### *Establishing a complaints panel*

The LGB will seek to agree the composition of the complaints appeal panel. The decision about membership of the panel will be made by the LGB Chair in consultation with the Clerk.

The hearing must be independent and must be seen to be so. The panel will comprise of at least 3 members, none of whom will have had any previous direct involvement in, or knowledge of the detail of the complaint.

At least one member of the panel will be independent of the management and running of the school, for example a member of the LGB at another ODST school.

When the Clerk receives a copy of the complaint form he/she will inform the LGB that a complaint has been received and that it has been passed to the panel to deal with. No further information about the complaint should be shared with other members of the LGB.

There are several points which any LGB member sitting on a complaints panel needs to remember.

The procedure allows for a parent making a complaint to attend and to be accompanied at a panel hearing if they so wish.

It is important that the appeal hearing is independent and impartial and that it is seen to be so. No LGB member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.

The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is not intimidating and not adversarial.

Whilst the panel will hear presentations from both parties to the complaint, and all members of the panel will be present throughout, it is not a requirement that complainant and school representative will be present in the same room.

It may be necessary to have one or more adjournment to allow for reflection or to seek additional supporting evidence. LGB members sitting on the panel need to be aware of the complaints procedure and any other procedures relating to the complaint e.g. the anti-bullying policy.

Evidence should be provided to the hearing in writing prior to the meeting, the attendance of witnesses is discouraged. The clerk is responsible for obtaining papers setting out the case from both sides, with any supporting evidence. The papers should be copied and sent to panel members, complainant(s) and the Headteacher, at least five working days in advance of the meeting. This ensures that everyone involved has had time to read and understand the papers.

The chair of the panel will be nominated by the members of the complaints panel but would in general be expected to be the independent panel member. The chair is responsible for ensuring that both complainant and Headteacher are given a fair hearing and that the panel arrives at its judgement without fear or favour.

#### *Remit of the LGB Complaints Panel*

The complaints panel can:

- 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 problems of a similar nature do not recur.

It may:

- Consider and, if appropriate, comment on the way in which an operational decision was communicated – but cannot overturn the decision itself
- Consider the thoroughness with which the Headteacher/ LGB investigated a complaint about a member of staff, but cannot expect the Headteacher to provide details about confidential discussions with that staff member
- Consider the manner in which a complaint about any decision was addressed, but cannot expect the Headteacher/ LGB to have changed the process used
- Consider and, if appropriate, identify limitations in a policy or procedures, but cannot make or improve policy. (It can, however, recommend that the policy be reviewed by the trustees of ODST to ensure that problems of a similar nature do not recur)
- Consider whether it should recommend that the Headteacher/ LGB offer appropriate redress.

#### *Convening a Panel Hearing*

The clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within twenty school days of receipt of the Stage 3 request. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

Format of a Panel Hearing

An example of the format a panel hearing may follow is below. This assumes that the complainant and Headteacher are both present but where this is not the case, the process will be modified as appropriate to ensure that the complaint is heard in a fair and thorough manner:

The complainant and the Headteacher will enter the room where the hearing is taking place together – ordinarily it is anticipated that the clerk will collect both parties and show them into the room, but this role may be filled by a member of school staff.

The chair will introduce the panel members and the clerk and outline the process to the complainant and Headteacher  
The complainant is invited to explain their complaint  
The Headteacher may question the complainant  
The panel will question the complainant  
The Headteacher is invited to explain the school's actions  
The complainant may question the Headteacher  
The panel will question the Headteacher  
The complainant is invited to sum up their complaint  
The Headteacher is invited to sum up the school's actions and response to the complaint  
The chair will check that both parties have said everything that they want to say and that they are satisfied that they have had a fair hearing. If either party remains dissatisfied the chair should provide a reasonable opportunity for this to be rectified prior to the end of the meeting  
The chair explains to both parties that they will hear from the panel within five working days  
Both parties leave while the panel decides on the issues and reaches a decision,  
The clerk will remain with the panel to clarify and draft the letter outlining the panel's decision.

Panel hearings will be held in a place which is convenient and accessible for all parties. This may not be the school.

### *General Principles*

Certain principles underpin the format of a complaints hearing:

- the hearing should be made as unthreatening as possible to all parties
- the panel may ask questions at any point, but only if an immediate question will help to clarify a point. Panel members must find ways to ask probing questions while maintaining an air of impartiality
- other than as specified above, the Headteacher and complainant must have no contact with members of the LGB complaints panel
- the chair of the panel should discourage the introduction of fresh documentary evidence at the hearing – there should be every encouragement to produce the evidence in advance so that both sides have time to study it
- however, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for enough time to allow everyone to read the document
- both parties must leave the hearing room during any adjournment and during discussions of the panel on the substance of the complaint
- the meeting must be held in private and representatives of the media are not permitted to attend.

### *Exceptional circumstances*

For the sake of clarity, the description above does not cover exceptional circumstances which might include:

- the LGB Chair may not be able to find three LGB members who have no prior knowledge of the case: If a case has become a major talking point around the community, the Chair can nominate three LGB members with minimal prior knowledge. If there are still insufficient LGB members able to sit on a panel, the LGB in consultation with ODST will put in place an alternative fair process using independent governors from other ODST schools;
- the complaint may not be against the Headteacher: A complaint to the LGB Complaints Panel will never be against a junior member of staff (it may be against the way the Headteacher handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the Headteacher. That would need to be considered very carefully but if agreed the senior manager would be 'the Headteacher' for the purpose of the panel. There may be exceptional circumstances in which the complaint is against the LGB Chair– e.g. for willfully refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Headteacher' would be read as 'LGB Chair';

- the complaint is jointly against the LGB Chair and Vice Chair, against the whole LGB or the majority of the LGB: In these circumstances the complaint will be heard by a panel of two Trustees and an independent panel member;
- the complaint is jointly against the LGB Chair and Vice Chair, against the whole LGB or the majority of the LGB: In these circumstances the complaint will be heard by a panel of two Trustees and an independent panel member;
- the complaint is against the Trust CEO. In these circumstances the complainant should write to ODST's Governance Lead Adviser. The complaint will be heard by a panel of two Trustees and an independent panel member;
- the complaint is jointly against the CEO and the MAT. In these circumstances the complainant should write to ODST's Governance Lead Adviser. The complaint will be heard by a panel of three independent Trustees from a separate MAT than ODST;
- in the circumstances above, at each stage of the complaint process, the complaint will be managed by the Trust's Governance Team. Any panel convened as a result, should be clerked by an Independent Clerk;
- the complainant and/or the Headteacher may wish to call witnesses: The use of witnesses is discouraged. In nearly every case, a complaints panel will want to work with written witness statements if appropriate, but there may be particular circumstances where the presence of witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. They will remain outside the hearing room until called in to give their evidence. Having provided their statement, they can be questioned by the panel members and the other party. They will leave the room when their evidence is completed;
- the complainant may be a pupil at the school: Schools should encourage pupils to raise concerns and would expect to resolve them before it becomes a formal complaint to the LGB. If it is not resolved, it would be very unusual if parents have not by picked it up and made it a parental complaint. However, if a pupil is the complainant, panel members will wish to ensure that the same process is followed but special consideration is given to ensuring that the child is supported and does not feel intimidated. The panel needs to give the views of the child equal consideration to those of adults.

#### *Writing the decision letter*

The clerk will ensure that s/he has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all three panel members, it will be sent to the complainant with a copy to the Headteacher. The complainant will also be provided with a copy of the minutes of the meeting (as far as possible the minutes will seek to be a verbatim record, where this is not possible they will provide a clear overview of the issues discussed, concerns raised and any questions asked).

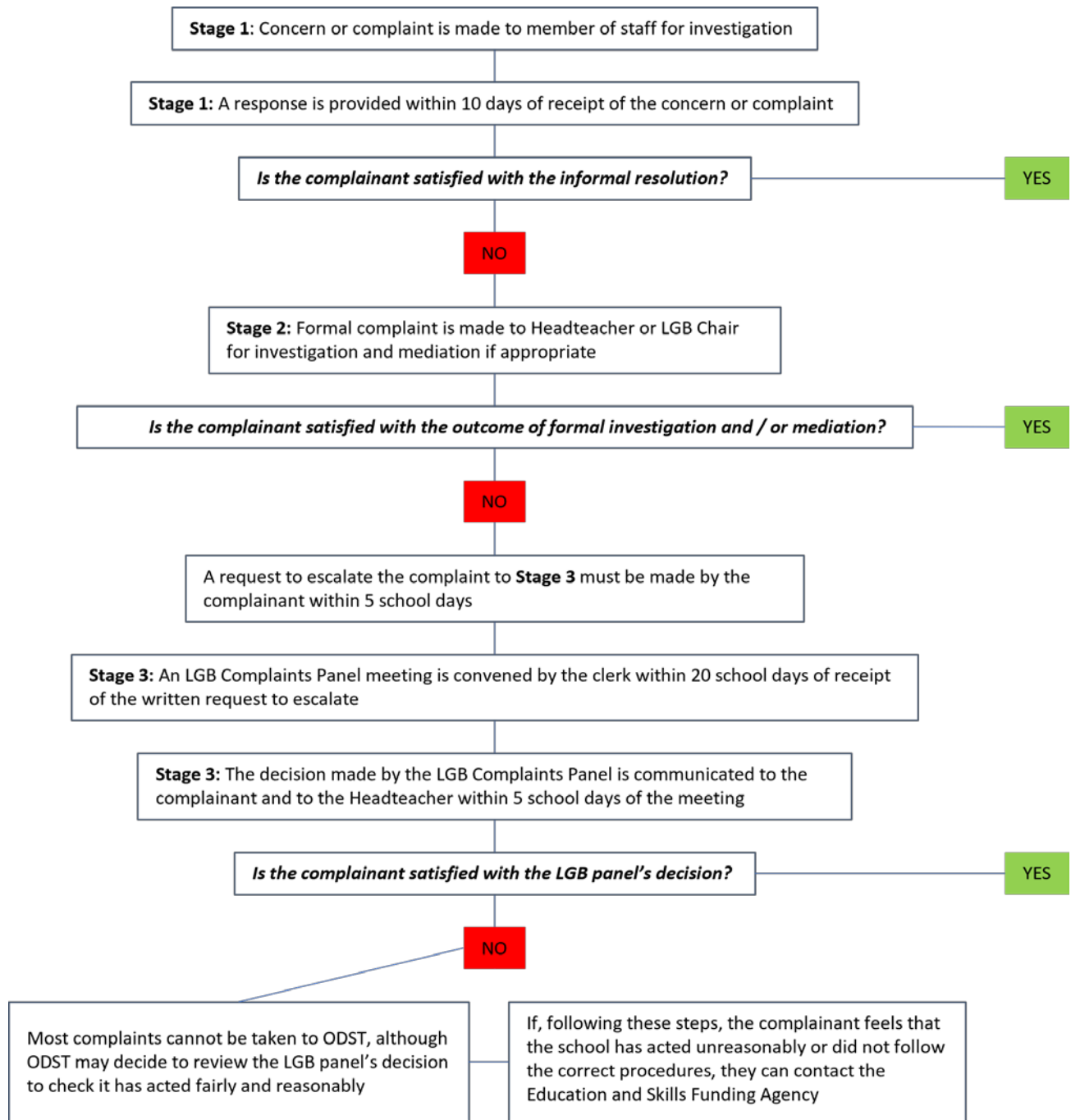
- the letter must clearly express how seriously the panel considered the complaint
- the clerk must be careful that the letter adheres to the facts and gives no hint of partiality
- the clerk must ensure that the letter reaches the complainant and the Headteacher within five school days.

#### **Monitoring Complaints**

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The monitoring and review of complaints by the school and the LGB can be useful to evaluating the school's performance. Any discussion of complaints by the LGB or others in the school community should not name or be able to identify individuals.

# Appendix 1: Complaints process flowchart

The flowchart below summarises the complaints process.



## **Appendix 2 - Model Complaint Form**

This form can be used by any person making a complaint about the operation of the school which is not covered by an alternative specific procedure. Complaints will most often come from parents or carers but may also come from pupils/students or members of the public, e.g. school neighbours.

Anyone receiving this form should be advised verbally that help in completing it is available from the school. A member of school staff who is familiar with the process should be nominated to give help.

If it is appropriate for a member of staff to look into this complaint, it should be returned to the Headteacher.

If the complaint is against the Headteacher, it should be returned to the school office in a sealed envelope and marked as confidential FAO Chair of the Local Governing Body.

Model complaint form overleaf.



Please complete and return to the Head of School, Mrs. Alexandra Burke or, if the complaint is about the Headteacher, to the Chair of Governors via the school office, who will acknowledge receipt and explain what action will be taken.

Your name:	
Address:	
Postcode:	
Daytime telephone number:	
Evening telephone number:	
If applicable, name of child(ren) at school:	

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?)



Your relationship to the school, e.g. parent, carer, neighbour, member of public:

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 of acknowledgement sent:	
By Whom:	
Complaint referred to:	

## Appendix 3: Sharing your concerns about your child's education: A Parents' Guide

St Peter's CE Middle School recognises with regret that at times things can go wrong. This guidance will help you understand how to resolve concerns you may have about your child's education.

The school has procedures for dealing with concerns or complaints and we value any feedback about our services, including compliments and suggestions. Full details of our complaints policy and procedure can be found on the school website. If you are concerned about any aspect of your child's education, you should in the first instance discuss the matter with your child's class teacher. If, following this, your concerns remain unaddressed please contact The Headteacher at the school.

As a member of the Oxford Diocesan Schools Trust the school's Local Governing Body (LGB) has delegated responsibility for the school and for ensuring the well-being of pupils and that all pupils receive an appropriate and high standard of education.

The Headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. So, you should contact the school if you are concerned about an issue such as:

- your child's academic progress;
- special education needs provision;
- your child's welfare;
- bullying;
- something that has happened in school.

### How do I complain to the school?

First, we hope you will speak to the relevant member of staff as soon as you have a concern. This is likely to be the class teacher. This informal approach is nearly always the quickest and most effective way of resolving your concerns.

If you feel that your concern has not been resolved, then it is important to speak to or write to the Headteacher who will look into your concern.

If you are unhappy with the Headteacher's response you should write with your complaint to the Chair of the Local Governing Body at the school address. Mark your envelope 'Private and Confidential FAO Chair of the LGB'.

This is how your formal complaint will be handled;

- Within 5 working days of receiving your completed complaint form the Headteacher or LGB Chair will decide whether mediation should be offered to help you and the school to explore possible resolution.
- If mediation is agreed, the Headteacher or LGB Chair will endeavour to set up the meeting within 10 working days. If that timescale is not possible you will be told the reason.
- If mediation is not deemed appropriate or if it is not successful, the clerk to the LGB will convene a panel of governors to meet within 20 working days to consider your complaint. The clerk will provide details of the hearing and will request any further information you may wish to provide.
- The complaints panel will consist of at least 3 members, usually LGB members but also including one member independent of the management and running of the school, who will have no prior knowledge of the events being complained of. The panel will be supported by a clerk who will take notes during the hearing and will stay with the panel while they make their decision. The panel will hear the complaint impartially and make their decision without fear or favour.

Five working days before the hearing the clerk will send to you, the complainant, the Headteacher and the three panel members, copies of all papers submitted by both sides so that there is sufficient time to read the evidence before the hearing.

The process at the hearing will depend on the chair but is likely to follow the format below:

- The chair will introduce the panel members and the clerk and outline the process to the complainant and Headteacher.
- The complainant is invited to explain their complaint
- The headteacher may question the complainant
- The panel will question the complainant
- The headteacher is invited to explain the school's actions
- The complainant may question the headteacher
- The panel will question the headteacher
- The complainant is invited to sum up their complaint
- The headteacher is invited to sum up the school's actions and response to the complaint.
- Both parties will then leave the meeting, the clerk will remain with the panel members whilst a decision is made. You will receive a formal outcome from the panel within five school days.

### Can I take my complaint further?

For most complaints, you cannot take your complaint to the ODST. ODST will not investigate school matters on a parent's behalf. However, ODST may review the LGB panel's decision on the complaint having regard to the tests of illegality, irrationality or procedural impropriety; i.e. ODST would review whether the LGB complaints panel has acted fairly and reasonably. It would not consider the detailed submissions put as evidence to the complaint panel by both parties. Any such panel would be comprised of Trustees, committee members or officers of the ODST. If, following these steps, you still feel that the school has acted unreasonably or not followed the correct procedures, you can contact the Education and Skills Funding Agency on-line at <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy> or in writing.