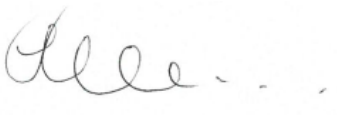
Complaints policy

Author, date and title	Reviewed on	Next review due date	Statutory Requirement
S Woodham, March 2019	March 2019	March 2022	Yes

As Values Schools, Shillington Lower and Stondon Lower ensures that all its policies, principals and practices adhere to the Values Education ethos.

We are committed to recognising, valuing and respecting the diversity of our schools' communities. We adhere to the Local Authority's Equal Opportunities Policy and the Equality Duty 2010. We welcome all members of the schools' communities irrespective of race, ethnic or national origins, religious and political beliefs, gender, disability, sexuality, age, marital status and linguistic ability. We will ensure equality and value diversity, and address any unfair treatment, discrimination and prejudice.

All our schools' policies include the Pixie class (Shillington) and the before and after school club (Stondon).

Head Teacher:  Date: 28/03/2019

Chair of Governors:  Date: 28/03/2019

Rationale
Shillington and Stondon Lower school endeavours to provide the best education possible for all of its pupils in an open 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.

Aim
Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the governing board of Shillington and Stondon Lower school has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

Which procedure do I need?
Sometimes, when concerns are specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- Pupil admissions - please contact Central Bedfordshire (CBC) as they are the admission authority
- Pupil exclusions – the school uses CBC's procedures
- Staff grievance, capability or disciplinary – the School uses CBC's policy and procedures
- Where the complaint concerns a third party used by the school - please complain directly to the third party themselves
- Anonymous complaints – please refer to CBC's Confidential Reporting (Whistleblowing) policy
- Subject Access Requests and Freedom of Information Requests – please see the school's Data Protection and Freedom of Information policies

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's Safeguarding policy.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, Shillington and Stondon Lower school requests the complainants do not discuss complaints publically via social media such as facebook and twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

Complaints that result in staff capability or disciplinary

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 will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

PROCEDURE

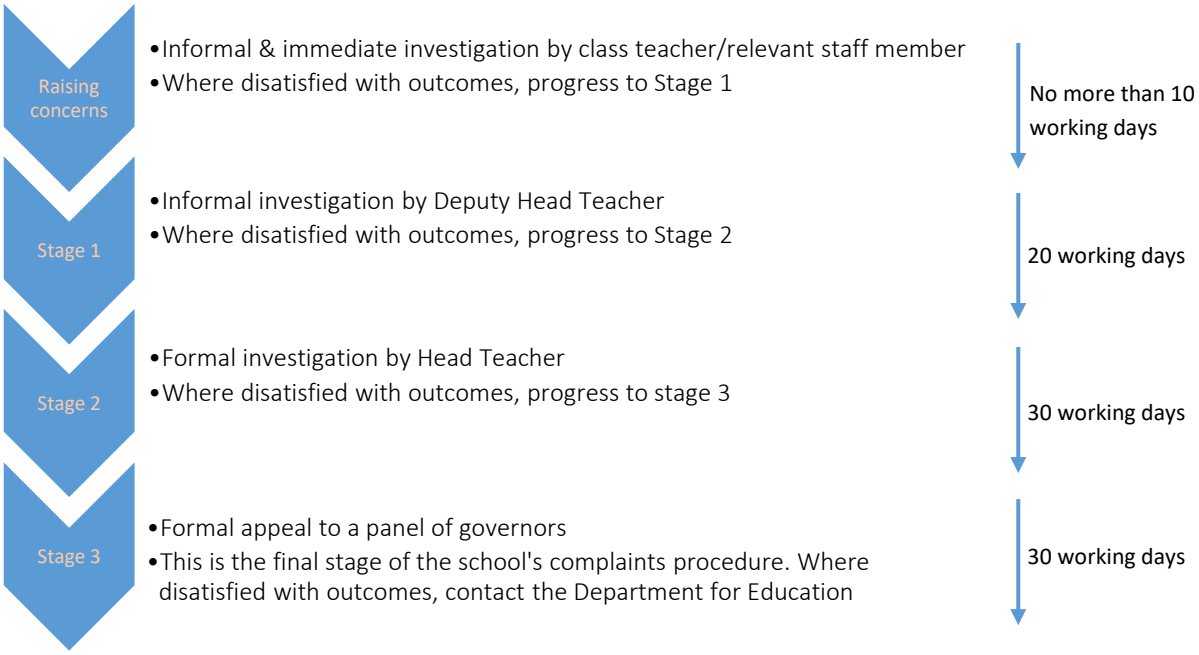
If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied and with this response and believe the issue has not been resolved, please use the procedure as detailed below under Stages of Complaint.

Timeframes

Shillington and Stondon Lower school will endeavour to abide by timeframes stated under each stage below but acknowledges that, in some circumstances, this is not always possible 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 will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

Shillington and Stondon Lower school reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

Stages of the Concern/Complaint



Raising concerns

The majority of concerns can be resolved quickly by speaking to the relevant member of staff. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with the appropriate person, (see 'Who Should I Approach' below - usually the child's class teacher) via the phone or in person. It may be necessary for you to make an appointment at a time that is convenient to both of you. Please let them know the nature of your concern when making an appointment so that they may investigate further on your behalf if necessary.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

<u>Who Should I approach?</u>

In the first instance please raise your concern with:

- Educational matters: classroom teacher
- Pastoral care: classroom teacher
- Disciplinary matters: the staff member who initiated the sanction
- Financial/administration matters: the School Office
- Concern about member of staff's conduct: Deputy Headteacher
- Concern about Headteacher: Headteacher
- Concern about governor: Headteacher
- Concern about Chair of Governors: Clerk to Governors

Stage 1 – Informal Investigation

Where, as a result of raising a concern, the complainant still feels that the issue has not been addressed, or where the outcome has been that the concern needs further investigation than can be resolved briefly, the complainant may progress it by making an informal complaint. In doing so, the following steps will be followed (unless the complaint is about the Headteacher or a governor where a slightly different process is followed – see page 6).

1. Complainant contacts the Head of School and provides in writing:
    - 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.

2. The Head of School will respond within five working days (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take.

3. Where the complaint is about a member of staff, the Head of School will arrange an informal mediation meeting between the two parties to see if a resolution can be come to.

4. The Head of School will provide a written confirmation of the outcome of their 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, they are able to progress to stage 2 of the complaints process, and launch a formal written complaint.

5. The Head of School will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998.

Stage 2 – Formal Investigation

1. The complainant may submit a formal complaints form to the Headteacher. See the end of the procedure for this document for a copy of this form.

2. The Headteacher will respond 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.

3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.

4. The Headteacher will consider 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
   - interview with anyone related to the complaint.

5. The Headteacher may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.

6. After considering the available evidence, the Headteacher can:
   - uphold the complaint and direct that certain action be taken to resolve it
   - reject the complaint and provide the complainant with details of the stage three formal appeal process
   - uphold the complaint in part: in other words, the Headteacher may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

7. The Headteacher must inform the complainant of their 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. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the

complaint to stage three if they are not satisfied, providing them with the contact details of the Chair of Governors (see the end of the procedure for these).

Stage 3 – Formal Appeal

If the complainant wishes to appeal a decision by the Headteacher at stage 2 of the procedure, or they are not satisfied with the action that the Headteacher took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the Chair of Governors (see the contact details at the end of the procedure) within 20 working days of receiving notice of the Headteacher's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The Clerk to the Governors will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within 20 working days of receiving the Headteacher's decision or it will not be considered, except in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The Chair of Governors will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.

2. The Chair will convene a panel of three school governors, or two school governors and one independent member. All three panel members will have no prior knowledge of the content of the complaint.

3. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the Chair to the complainant, confirming the appeal.

4. In addition to the panel, the following parties will be invited, where applicable:
   - the complainant
   - the person who dealt with the complaint at Stage 2
   - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

   The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them. The companion will be a friend, colleague or Trade Union representative. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If the attendance of any pupil is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

6. Where the complaint is about a governor, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the governing board. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.

7. 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.

8. All parties who attended the meeting will be 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 at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this.

Complaints about the Headteacher or a Governor

Where a complaint regards the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Chair of Governors (see contact details at the end of the document). The Stage 2 process will then commence, but with the Chair of Governors (or their representative(s)) as the individual(s) responsible for the investigation rather than the Headteacher.

Where a complaint regards a governor, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors, the individual should contact the Clerk to the Governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The Vice Chair or an independent investigator will mediate any proceedings.

Unreasonable Complaints

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

If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- the complainant refuses to co-operate with the school'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 staff and school governors and it is clearly intended to aggravate
- the complainant acts in a way that is abusive or offensive.

The Headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the Chair of Governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate to, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will then commence from stage one on this direction.

If the Chair upholds the Headteacher's 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 write to the Department for Education (see the contact details at the end of the document).

Contacts

Clerk to the Governors c/o Shillington Lower school, Greenfields, Shillington SG5 3NX

Chair of Governors c/o Stondon Lower school, Hillside Road, Lower Stondon SG16 6LQ
In both the above cases, the envelope should be marked 'Private and Confidential'. This correspondence should NOT be opened by any member of the school staff and will be passed on as soon as possible.

If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that 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.
Ofsted will also consider complaints against schools. They do not, however, look into problems with individual students, such as exclusions or not getting a place at the school. **You can only complain to Ofsted if you have already followed the school's complaints procedure.**
https://contact.ofsted.gov.uk/onlinecomplaints

For further guidance on these matters parents may seek advice from the Local Authority Tel: 0300 300 8304

Monitoring and Evaluation
This policy will be reviewed every three years.

Links to Other Policies
Complaints regarding the following are not included in this document:

- Admissions Policy
- Child Protection (Safeguarding) Policy
- Data Protection Policy
- Freedom of Information Policy
- Special Educational Needs Policy
- CBC's Exclusions from School guidance
- CBC's Confidential Reporting Policy ("Whistle Blowing")
- CBC Grievance Policy and Procedure – For School-Based Employees
- CBC Capability Procedure – For School Based Employees
- CBC Disciplinary Policy and Procedure – For School Based Employees

Relevant legislation and guidance

The Equality Act 2010 http://www.legislation.gov.uk/ukpga/2010/15/contents

The Data Protection Act 1998 http://www.legislation.gov.uk/ukpga/1998/29/contents

The Education (Independent School Standards) Regulations 2014
http://www.legislation.gov.uk/uksi/2014/3283/contents/made

Education Act 2002 http://www.legislation.gov.uk/ukpga/2002/32/contents

The Department for Education Best Practice advice for school complaints procedures
https://www.gov.uk/government/publications/school-complaints-procedures

CBC - Exclusion from School

http://www.centralbedfordshire.gov.uk/school/pupil-support/exclusion/types.aspx

CBC - Confidential Reporting Policy ("Whistle Blowing")
http://www.centralbedfordshire.gov.uk/Images/confidential-reporting_tcm3-8955.pdf

CBC - Grievance Policy and Procedure – For School-Based Employees

http://www.centralbedfordshire.gov.uk/Images/grievance-procedure_tcm3-8585.pdf

CB - Capability Procedure – For School Based Employees

http://www.centralbedfordshire.gov.uk/Images/capability-procedures_tcm3-8596.pdf

CBC - Disciplinary Policy and Procedure – For School Based Employees

http://www.centralbedfordshire.gov.uk/Images/disciplinary-precedures_tcm3-8595.pdf

Shillington and Stondon Lower school Formal Complaints Form

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:

Official use

Date received: Signed:

Date:

A Word version of this form is available from the School office