



St Michael's CE (C) Primary School Compliments and Complaints Procedure

Based on the LEA Guidelines provided for Governing Bodies – Sept 2003 and Sept 2011 and the DFE guidelines January 2016

As agreed by the Full Governing Body November 2006, reviewed biennially by the Personnel Committee until 2015 and updated January 2016

To be reviewed in accordance with changes to legislation and/or guidance

At St Michael's school our Governing Body felt that we should have a 'Compliments and Complaints Procedure' as on occasion our parents and members of our local community want to acknowledge and celebrate positive aspects of school life and our many achievements.

Compliments Procedure

When a compliment is received it will be shared with the appropriate member(s) of staff immediately and be brought to the attention of the Personnel Committee at their next meeting. This will then be fed back to the full Governing Body during the 'Committee Reports' section of their meetings. All written compliments are held in a file in the Head Teacher's office.

Complaints Procedure

Section 29 of the Education Act 2002 requires that all maintained schools should have a published procedure for dealing with complaints relating to the school and to any community facilities or services that the school provides. The requirement to have a formal complaints procedure need not in any way undermine efforts to resolve a concern informally. Complainants will be treated with respect at all times during and after the course of any complaints investigation. The Governing Body is committed to ensuring that the entire process is fair and non discriminatory.

Details of a complaint will be kept confidential except in so far as they need to be shared with people who might contribute to their investigation and/or resolution.

Dealing with Complaints – Informal Concerns

The school treats all complaints seriously and undertakes to investigate them in a timely and professional manner. It is hoped that most concerns can be resolved informally without the need to progress to formal procedures.

All members of staff should be aware of the complaints procedure and understand:

- The importance of attempting to resolve concerns informally before they become formal complaints.
- The importance of treating complainants fairly and with respect.

In the first instance we encourage parents to talk to their child's teacher as in most cases concerns can be resolved in this way. However, the school will respect the views of a complainant who indicates that they would have difficulty discussing a concern with a particular member of staff. In these circumstances, or when a concern cannot be addressed by the class teacher, the individual should speak to the Phase Leader responsible:

Nursery, Pre-Reception and Reception	Foundation Stage Phase Leader
Years 1 and 2	Key Stage 1 Phase Leader
Years 3 and 4	Lower Key Stage 2 Phase Leader
Years 5 and 6	Upper Key Stage 2 Phase Leader

From time to time concerns are raised directly with governors during Governor "drop in" sessions, via the Governor Suggestion Box etc. Depending on the nature of the concern, the governor will direct the individual to the most appropriate member of staff or Chair of Governors in accordance with the process outlined in this policy.

Upon receipt of a concern, the school will investigate the issue(s) raised and discuss with the complainant the best way to deal with the matter. Timeframes will be agreed that are acceptable to both parties.

If initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further, the formal Complaints procedure will need to be invoked.

Dealing with Complaints – Formal Procedures

Investigations undertaken during the complaints procedure may lead to action being initiated under other procedures e.g. disciplinary or child protection and consideration will be given to this possibility at the earliest stage. In these cases the published complaints procedure will be suspended until action under the other procedures (including appeals) has been concluded. The complainant will be advised if this is the case and also informed of the likely length of delay in the final resolution of their complaint.

At each stage the person investigating the complaint will

- Clarify the nature of the complaint and what remains unresolved.
- Establish what has happened so far and who has been involved.
- Meet with or contact the complainant.
- Clarify what the complainant feels would put things right.
- Interview those involved in the matter and/or those complained of – they can be accompanied if they wish.
- Conduct the interview with an open mind and be prepared to persist in the questioning.
- Keep detailed notes of any interviews.

Stage 1 – Complaint heard by the Head teacher

It may be that the Head teacher has not been made aware of the concern raised prior to this point. The Head teacher may delegate the task of collating the information to another individual but not the decision on the action to be taken. It is hoped that the Head teacher will, in most cases, resolve the matter to the satisfaction of all concerned without recourse to the next stage of the complaints procedure.

Stage 2 – Formal complaint to the Governing Body

Where complaints cannot be resolved by the Head teacher or where the complainant is dissatisfied with the response of the Head teacher or where the complaint is about the Head teacher, the complainant can contact the Chair of the Governing Body. Full details of the complaint should be given in writing or verbally. Where a complaint is accepted verbally it will be reported back to the complainant to ensure the details have been collected correctly. Complainants are encouraged to state what actions they feel might resolve the problem to their satisfaction. Complaints about the Chair of the Governing Body, or any individual governor, should be addressed to the Clerk to the Governing Body.

Appendix 1 – Complaint Form

The Chair of Governors will consider whether it is appropriate for him/herself to investigate the complaint, or whether to refer it to a Complaints committee to undertake a full review.

The Chair should write to the complainant following investigation into the complaint. If it is to be referred to a Complaints committee then a letter should be sent giving an explanation of what happens next, timescales involved, and the name of the person from whom they will next hear about the progress of the investigation.

When considering a complaint the Chair of Governors may wish to seek technical or procedural advice from officers of the County's Education Service on the appropriate course of action to be taken.

The Governing Body Complaints Committee

Membership of the Complaints committee will consist of three governors who have delegated powers to hear complaints and set out the terms of reference for the committee. All members will be independent and impartial and come from a cross section of the different categories of governor. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it. The Head teacher and Chair of Governors should not be members of this committee. The committee will elect its own chair. The details of the complaint will not be made known to the Governing Body to ensure an impartial hearing in case of an appeal.

The complainant must be given the opportunity to make representation in person. The committee should therefore meet at a time and a venue convenient to all parties.

The Complaints committee will undertake a full review of the complaint and 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 that problems of a similar nature do not recur.

The aim of the review will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it should be recognised that the complainant might not be satisfied with the outcome if the governors do not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously and fully investigated.

Appendix 2 – Checklist for Complaints committee hearing

In accordance with the recommendations of the Department for Education and Skills, the Complaints committee will have a clerk. Their role is to:

- Set the date, time and venue
- Collate any written material and send to all parties in advance
- Record the proceedings
- Notify all parties of the decision in writing

If following investigation the complaint is upheld, redress should be appropriate to the complaint and may include:

- An apology
- 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 the light of the complaint
- Providing any other solution requested by the complainant

The Headteacher will take responsibility for:

- Ensuring that the remedy is carried out
- Ensuring that any remedy is within the school's powers
- Ensuring the approach to remedies is reasonable and consistent

Where a complaint is not upheld the complainant must be given a response and informed of any further action that might be appropriate in their situation.

Appendix 3 – Complaint Procedure Flowchart

Stage 3 - Staffordshire County Council (Local Authority)

The Local Authority does **not** have a statutory duty to consider school complaints and you do **not** have a right of appeal to the Local Authority should you disagree with a decision of the governing body. You may, however, raise the matter with the Local Authority if you consider the complaint wasn't investigated properly or fairly. So long as the governing body followed a proper procedure and considered the complaint in a reasonable manner, then the Local Authority will simply inform you of that fact. It cannot reverse a decision of the governing body.

If you wish to raise the matter with Staffordshire County Council please write to:

Commissioner for Learning and Skills
Wedgwood Building
Tipping Street
Stafford ST16 2DH

In your letter please explain:

- what your complaint to the governing body was;
- what response they have made to it;
- why you think that the governing body has not followed a proper procedure in considering your complaint, and/or
- why you think that their consideration of it was unreasonable.

You will receive a written response to inform you of any further enquiries made into your complaint.

Stage 4 – The Role of the Secretary of State for Education (the Department for Education)

If you still remain dissatisfied and feel that the School has not followed the appropriate procedure, any relevant policies, or has failed to discharge a statutory duty, you may wish to refer your complaint to the **School's Complaints Unit (SCU)** within the Department for Education at the address below:-

The Schools Complaints Unit
Department for Education
2nd Floor Piccadilly Gate
Manchester
M1 2WD

Please note that the SCU will not re-investigate the substance of the complaint as this remains the responsibility of the School, but if legislative or policy breaches are found, SCU will report them to the School and, if necessary require the School to take remedial action

Unreasonable Complainants

St Michael's is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening

St Michael's defines unreasonable complainants as

'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the 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 into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.



Please complete this form and return it to the school who will then forward it to the Chair of the Governing body. Please continue on a separate sheet if necessary.

1. **Name** _____
2. **Address** _____
3. **Telephone Number (Home)** _____ **(Work)** _____
4. **Name of child** _____
5. **Details of the Complaint** (please include the date or period of time to which your complaint relates)

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

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

8. **Do you have a suggestion for change?**

Please attach copies of any more information you have to back up your complaint, such as letters, reports etc

Signed:

Date:

The Complaints committee needs to take the following points into account

- The hearing is as informal as possible.
- Witnesses are only required for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The Complaints committee may ask questions at any point.
- Both parties leave together while the Complaints committee decides on the issues raised.
- The chair explains that both parties will hear from the committee within a set timescale.

Appendix 3 – Complaints Procedure Flowchart

