



Complaints Policy

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GAVIN PRESMAN
(Chair of Governors)

EDEN PRIMARY COMPLAINTS POLICY

This policy has regard to *The Education (Independent School Standards) (England) Regulations 2010*, which can be found at:

<http://www.legislation.gov.uk/ukxi/2010/1997/contents/made>.

It also accords with Eden Primary's Home/School Agreement.

Introduction

The majority of issues raised by parents are concerns rather than complaints. Eden Primary is committed to taking concerns seriously, at the earliest stage, with the intention of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, parents may in some cases wish or be asked to follow the school's formal complaints procedure. For the school to be able to investigate a complaint, it needs to be made within 6 months of the incident occurring. If a complaint is older than 6 months it will not be investigated.

The prime aim of Eden Primary's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the school. The following details outline the stages that we use to resolve complaints. Confidential written records will be kept of all complaints, indicating whether they were resolved at the preliminary stage or whether they proceeded to a panel hearing.

3-Stage Process

Stage 1 – Raising a concern with the class teacher or member of staff most directly involved with the problem.

Stage 2 – Raising a concern with the Head Teacher or Chair of Governors

Stage 3 – Complaint is heard by Governing Body's Complaints Appeal Panel.

Stage 1 – Raising a concern with the class teacher or member of staff involved

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with the class teacher. If the matter concerns a member of the Senior Leadership Team (SLT), the concern should be raised with either the relevant member of the SLT or another member of the SLT if more appropriate.

On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. The vast majority of concerns will be satisfactorily dealt with in this way. However, if the matter is not resolved at stage 1, the complainant should move to Stage 2 within 5 working days.

Stage 2 – Formal Complaint is raised with the Head Teacher or in the case of a complaint against the Head Teacher, the Chair of Governors

2.1 The complainant must put the complaint in writing, addressed to the Head Teacher. The complaint must set out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations. The Head Teacher should write to the complainant within 5 working days of receipt of the complaint. A copy of the acknowledgement and the complaints letter should be sent to the Chair of Governors and the Clerk to the Governing Body.

Where the complaint is against the Head Teacher, the complaint should be addressed to the Chair of Governors. The Chair of Governors should then write to the complainant within 5 working days of receipt of the complaint and send a copy of the acknowledgement and the complaint letter to the Head Teacher and the Clerk to the Governing Body.

2.2 Investigating the complaint. Where appropriate an investigation will be carried out by the Head Teacher who may delegate to a member of the SLT. The Head Teacher or the member of the SLT will offer the complainant a meeting and will speak to others involved (to the extent this was not carried out in Stage 1). Whenever reasonably possible, the meeting with the complainant will take place within 15 school days of the written complaint being received.

If the matter involves a member of the SLT, then the Head Teacher will carry out the investigation unless the matter relates to the Head Teacher in which case the Chair of Governors will carry out the investigation or designate a Governor to investigate.

The investigator will put his / her findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of the meeting with the complainant.

Stage 3 - Complaints Appeal Panel (CAP)

3.1 If the matter has not been resolved at Stage 2, the complainant can request that the complaint be heard by the Complaints Appeal Panel (CAP) of the Governing Body. The Chair of Governors will appoint the members of the panel. The panel will comprise at least 3 people and will include one person who is independent of the management and running of the school. Governors sitting on the CAP will have no prior, direct involvement with the complaint. In deciding the make-up of the CAP, where possible the Governing Body will try and ensure that it is a cross – section of the categories of governor and sensitive to issues of race, gender and religious affiliation.

3.2 The Head Teacher must not sit on the CAP. If the Chair of the Governing Body has had any prior involvement in the complaint then the Chair must not sit on the CAP.

3.3 The request to go to the Complaints Appeal Panel must be made in writing within 10 days of the response at Stage 2 being sent to the complainant, addressed to the Head Teacher and the Clerk to the Governors (or in the case of a complaint against the Head Teacher, to the Chair of Governors and Clerk to the Governors).

3.4 The result of any previous investigations must be made available to the Clerk / Chair by the Head Teacher or in the case of a complaint against the Head Teacher, by the Chair of Governors or a governor in cases where the Chair of Governors has delegated the investigation to them.

3.5 The CAP should consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

3.6 The Chair of the CAP should take a decision at the beginning of Stage 3 on whether to seek the services of a Clerk to:

- Deal with the administration of the procedure;
- Provide independent advice on procedure and evidence;
- Ensure that the relevant facts are established;
- Minute the meeting; and
- Draft the decision letter.

3.7 The Clerk/Chair of the CAP should write to the complainant to explain how the review will be conducted. The letter should be copied to the Head Teacher or in the case of a complaint against the Head Teacher, to the Chair of Governors. It is open for the Chair of the CAP to meet with the relevant parties prior to the meeting.

3.8 The Clerk/Chair of the CAP should confirm the date of the meeting with the other governor(s) and the independent party.

3.9 The Head Teacher will represent the school at the meeting or in the case of a complaint against the Head Teacher, the Chair of Governors or the governor the Chair of Governors has delegated the investigation to.

3.10 The witnesses referred to below will include the individual against whom the complaint has been made.

3.11 The complainant and Head Teacher should be invited to attend the meeting or in the case of a complaint against the Head Teacher, the Chair of Governors or the person the Chair of Governors has delegated the investigation to. The date and time of the meeting should be convenient to the complainant and Head Teacher or in the case of a complaint against the Head Teacher, the Chair of Governors or the governor the Chair of Governors has delegated the investigation to, within reason. The notification should inform the complainant of his/her right to be accompanied to the meeting by a friend/representative but legal representation will not be allowed. It should also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.

3.12 The Head Teacher or in the case of a complaint against the Head Teacher, the Chair of Governors or the governor the Chair of Governors has delegated the investigation to should also be invited to prepare a written report for the CAP in response to the complaint.

3.13 All relevant correspondence regarding the complaint should be circulated to the CAP; the complainant and the Head Teacher or in the case of a complaint against the Head Teacher, the Chair of Governors or the governor the Chair of Governors has delegated the investigation to in advance of the meeting.

3.12 If the Head Teacher or in the case of a complaint against the Head Teacher, the Chair of Governors and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP should be obtained in advance of the meeting. A note of their evidence should be provided at least 5 working days before the meeting.

3.14 It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.

3.15 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

3.16 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.

3.17 The meeting:

- Is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The Head Teacher or in the case of a complaint against the Head Teacher, the Chair of Governors or the governor the Chair of Governors has delegated the investigation to will have the opportunity to put its side of things and each side, as well as the CAP, will be able to ask questions.
- Should allow any party to bring witnesses (subject to the approval of the Chair of CAP); and
- Should allow final statements from both the complainant and the Head Teacher, or in the case of a complaint against the Head Teacher, the Chair of Governors to the CAP.

3.17.1 During the meeting, and whilst questions are being asked of the witnesses, the complainant the Head Teacher or the Chair of Governors or the governor the Chair of Governors has delegated the investigation to, the Clerk to the Governors will have the authority to allow or disallow questions put by any party. Where the services of the Clerk to the Governors has not been taken up, the Chair of the CAP will have the authority to make this decision.

3.17.2 The Chair of the CAP, has the authority to terminate this part of the hearing if the questioning process degenerates to an unacceptable level in his or her opinion, or to continue without the parties being allowed to ask further questions and with all further questions being put by the CAP.

3.17.3 If any party is being particularly difficult or obstructive during the hearing, they can be asked to leave by the Chair of the CAP or the Clerk to the Governors.

3.18 The Chair of the CAP should explain to the complainant and the Head Teacher or in the case of a complaint against the Head Teacher, the Chair of Governors or the governor the Chair of Governors has delegated the investigation to, that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Head Teacher or in the case of a complaint against the Head Teacher, the Chair of Governors or the governor the Chair of Governors has delegated the investigation to and any witnesses will then leave.

3.19 The CAP will consider the complaint and all the evidence presented and reach a majority decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again. Where appropriate, the CAP can decide if any specified governor sub-committees should take action as a result of the decision.

3.20 The Clerk/Chair of CAP will send a written statement outlining the decision with reasons to both the complainant and the Head Teacher or in the case of a complaint against the Head Teacher, the Chair of Governors within 3 working days of the completion of the proceedings.

3.21 Stage 3 should be completed in 20 working days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases the chair of the CAP should write to the complainant and Head Teacher or in the case of a complaint against the Head Teacher, the Chair of Governors giving a revised target date.

The CAP is the final stage of the complaints process.