



**Trinity CE  
Primary School**  
*Who is my neighbour?*

**COMPLAINTS POLICY AND  
PROCEDURE**

*We aspire to encourage diversity and a love of learning that nurture well-rounded individuals, with curious minds, who shine in service to our community and are inspired to flourish*

| Signed           | Date       | Review Date |
|------------------|------------|-------------|
| <b>B. Melero</b> | March 2022 | March 2023  |
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# Complaints Policy and Procedure

## 1. Introduction

1. Governors of Trinity CE Primary School have adopted the following procedure to deal with formal complaints from members of the school community or general public about appropriate matters relevant to the running of the school. This procedure is to be used only when informal attempts to resolve problems have been unsuccessful. A complaint that involves a member of staff and the physical or sexual abuse of children will be dealt with by separate staff disciplinary procedures.

## 2. Framework of Principles

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
- ensure a fair investigation by an independent person, where necessary
- allow for a hearing of a panel of Governors, where appropriate
- respect people's desire for confidentiality, wherever possible
- address all points of issue, provide an effective response and appropriate redress where necessary
- provide information to the school's Senior Management Team so that services can be improved.

## 3. Making a Formal Complaint

### Stage 1

Where informal attempts have been unsuccessful in resolving a complaint, the matter will be formally investigated by an appropriate person from the school. If the matter is about the day-to-day running of the school or the interpretation of school policies, by members of staff of the school or the actions or inactions of staff at the school, the matter should be investigated by the headteacher or a member of senior staff nominated by the headteacher. If the matter is about school policies as determined by the Governing Body or the actions or inactions of the Governing Body, then the matter should be dealt with by the Chair of Governors or Governor nominated by the Chair. A complainant wishing to instigate the formal procedure should be asked to complete a complaint form (Annex 1). The school should offer to help an individual to complete the form and the person providing this help should be unconnected with the complaint. It is essential to report the progress of any complaint and the final outcome. It is necessary that at each stage, the person investigating the complaint (the designated person) makes sure that they:

- establish what has happened so far, and who has been involved;
- 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.
- explain the complaints procedure and provide a copy for the complainant.
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

#### **4. Resolving the Complaint**

At each stage in the procedure, schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the 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.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues. If the school rejects the complaint, it is important to re-assure the complainant that the matter has been thoroughly investigated.

#### **5. Stage 2**

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 second stage. This stage will be referred to a panel of Governors established as outlined in Annex 2.

The Chair of the Panel will be elected by the Panel members and will be responsible for maintaining a further procedure as outlined in Annex 2.

#### **6. Timescale**

Complaints need to be considered and resolved, as quickly and efficiently as possible. An effective complaints procedure must have realistic time limits for each action within each stage. The process should take no longer than 20 working days from receipt of the complaint. However, where further

investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

## **7. Mediation**

If, at any time, throughout the procedure from informal to the final decision of the Panel, the school feels that external mediation would help resolve the complaint, they can access consultancy advice through the Local Authority. This procedure can only be used with the agreement of the complainant.

## **8. Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However there will be occasions when despite all stages of the procedures being followed the complainant remains dissatisfied. If the complainant tries to open the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. Any letter from the Chair would be reported to the Full Governing Body.

## **9. 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 Governing Body can be useful to evaluating the school's performance. Any discussion of complaints by the Governing Body or others in the school community should not name or be able to identify individuals.

**Informal**

Complaint is made to appropriate member of staff to resolve. (Any governor who receives a complaint should ensure it is directed to the Headteacher in the first instance to resolve in line with agreed policy.)

Is complainant satisfied with the informal resolution?

YES

NO

Mediation considered

Mediation takes place within 10 working days if appropriate

Is the complainant completely satisfied?

YES

NO

Complainant is given copy of the complaint form and offer of support in completing it

**Stage 1**

|                                                      |            |
|------------------------------------------------------|------------|
| Form received by school. Is complaint about areas of |            |
| Headteacher's responsibility                         | Governor's |

Headteacher deals with matter  
Or designates senior member of staff.

Chair deals with matter or  
designates Governor.

Complainant satisfied?

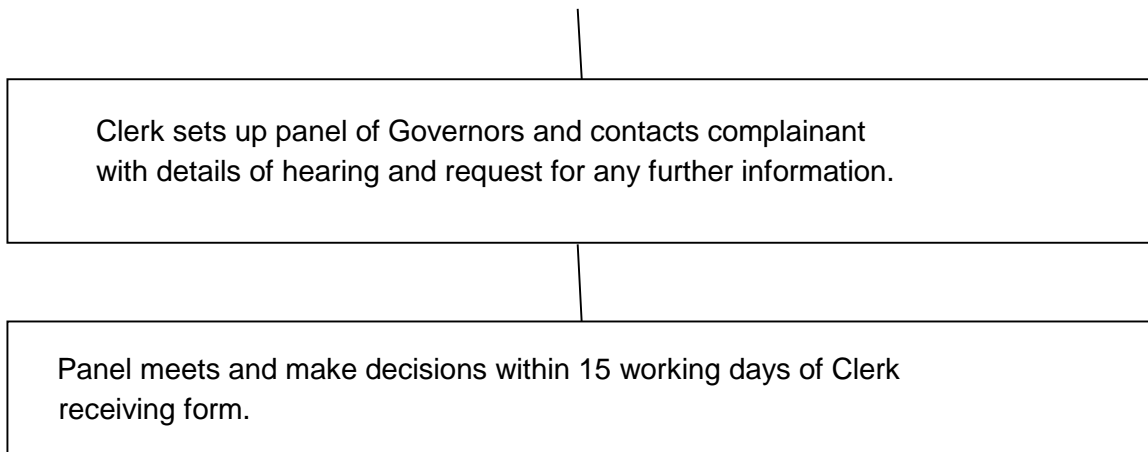
YES

NO

Complainant expresses wish to evoke Stage 2.

Complaint form passed to Clerk to Governors within 5 working days of complainant expressing wish to go to Stage 2.

## Stage 2



(If the complainant remains dissatisfied with the outcome, there are other agencies who may be able to help, for example: the DCFS, the Local Authority, Health and Social Care services.)

### Notes

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 it is appropriate that it should be dealt with by a Governor, it should be returned to the Clerk to the Governors at the school.

General complaints about the County Council's services should be directed to the Director of the Children, Young People & Families Directorate, Macclesfield House, New Road, Oxford, OX1 1NA.

## Annex 1 - Trinity CE Primary School complaint form

Please complete and return to the office staff 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: .....

Date: .....

## Annex 2

### Part of management process

#### Establishing a complaints panel.

- The governing body should agree the composition of the complaints appeals panel at the first meeting of the governing body each year.
- As governors may not be available at all times it may be wise to agree the names of 4 or 5 possible governors from whom a panel of three may be drawn.
- When the clerk of governors receives a copy of the complaint form he/she will inform the governing body 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 governors.
- IF FOR ANY REASON THIS PROCEDURE CANNOT BE FOLLOWED:

The governing Body in consultation with the LEA / Diocese will put in place an alternative fair process.

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant
- c. 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 informal and not adversarial
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child is accompanied and does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults.
- e. The governors sitting on the panel need to be aware of the complaints procedure.

#### The Remit of The Complaints Appeal Panel

The panel needs to firstly consider whether the appeal is

- in relation to a decision taken by the headteacher or a member of the school staff or
- whether it is about the way in which a complaint or concern was handled.



If the complaint was in relation to a decision taken by the head, the panel will need to clarify whether it was

A. a decision within the head teacher's professional responsibility or

B. it is an area where the governing body have responsibility, or share responsibility but have delegated this to the head teacher.

If the complaint relates to (A)

- The panel can consider the manner in which the complaint was addressed but not consider an alternative outcome.
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

If the complaint relates to (B)

The 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 that problems of a similar nature do not recur.

### **Annex 3**

#### Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend 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 or designated person may question both the complainant and the witnesses after each has spoken.
- The headteacher or designated person is then invited to explain the school's actions and be followed by the school's witnesses.

- The complainant may question both the headteacher or designated person and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher or designated person is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within five working days.

## **Appendix 2**

### **Sharing your concerns about your child's education**

#### **A guide to parents**

Trinity CE Primary School recognises 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.

#### **Should I complain to the school or the local education authority?**

In Oxfordshire, the local education authority (LA) is the County Council. Schools and the LA have procedures for dealing with concerns or complaints and value any feedback about their services, including compliments and suggestions. If you are concerned about any aspect of your child's education, you should contact the Headteacher. However, if you are concerned about a service that the LA provides directly, then you need to contact the LA.

#### **When should I complain to the School?**

The LA works in close partnership with its school. It offers support, advice, training and guidance to staff and governors. But over the past few years, changes in legislation have given schools a lot of independence from the LA.

This means that each school's governing body has overall responsibility for the school and for ensuring that all pupils receive an appropriate and high standard of education.

The headteacher is responsible for making decisions on a daily basis about the schools internal management and organisation. So you should contact the school if you are concerned about a general issue such as:

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

or about wider issues, such as:

- the overall running of the school
- a school policy
- the management of the school budget
- the use of school facilities

The school has its own complaints procedures for dealing with these issues and welcomes feedback on our service.

The school also has procedures for dealing with complaints about:

- the community's use of school facilities
- services delivered by the school such as adult learning or childcare.

### **How do I complain to the school?**

The school will always want you to speak to the relevant member of staff as soon as you have a concern. This will 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 ask the school for their complaints procedure. This explains what you should do next. The school will use the following process and will advise you:

- to speak to or write to the headteacher who will look into your concern
- to write to the chair of governors if you are unhappy with the headteacher's response or if the matter concerns governors.

The school's procedures also offer an appeal to the governing body's complaints panel. This panel consists of three governors who have no prior knowledge of your complaint and will consider written and verbal submissions from you and the headteacher.

### **Can I take my complaint further?**

For most complaints, you cannot take your appeal further than the governing body. The LEA cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with your complaint.

If you feel that the school has acted unreasonably or not followed the correct procedures, you can write to the Secretary of State for Education and Skills.

**What if my complaint is about the national curriculum, religious education or related matters?** For specific complaints about the national curriculum, religious education or related matters, there is a further appeal to the LEA or the diocese depending on the type of school.

### **When can I complain to the LA?**

The LA is responsible for providing a range of services to pupils and their parents or carers such as:

- statutory assessments for special education needs (SEN)
- a parent partnership service for parents of children with SEN
- assessments, support and advice by the educational psychology, education welfare and behaviour support services
- education other than at school (EOTAS), for pupils unable to attend school
- admission and transfer arrangements • countywide planning of school places

- youth services.

In some cases, parents may have a legal right of appeal to an independent tribunal or panel. These cases include special educational needs assessments, admissions and exclusions. Staff in the relevant service will explain these procedures to you. In other cases, the LA has its own complaints procedure.

### **How do I complain to the LA?**

If you are concerned about one of the LA services, please speak to the appropriate member of staff as soon as possible. Most concerns are successfully and quickly resolved like this.

However, if you are unhappy with the response, you should ask for a copy of the service's own complaints procedures or the LA's procedure.

The LA's procedure for investigating and responding to complaints is available as a fact sheet, "Comments, Suggestions and Complaints", which includes a complaints form. Leaflets are available from County Council information centres and local education offices.

### **Complaints about the national curriculum, religious education and related matters**

When you have exhausted the school's own procedures, you can appeal to the LA if your complaint is about:

- the curriculum your child is taught
- religious education (in a voluntary controlled or community school)
- the way your child's school charges for extra things, such as school trips
- information provided by the LA or your child's school.

You should contact the appropriate diocese if your complaint is about:

- religious education and worship in a voluntary aided school
- collective worship in a voluntary controlled school.

The procedure for complaints about the national curriculum, religious education and related matters is available from website address or 01865-458771.

## **Appendix 3**

### **Mediation service**

The School Development Service offers a mediation service whereby it seeks to use the 'good offices' of the LA to broker a resolution to complaints arising between schools and parents or members of the public. Recourse to mediation must be with the agreement of both parties and is intended to help arrive at a mutually agreeable solution – it is not possible to impose this on either party. Nor does it prevent a complainant having recourse to formal appeals procedures as detailed in paragraphs 6, 7 and 8.

The mediation 'package' consists of the following elements:

- familiarisation with the background and nature of the complaint (including the reading of supporting documentation and interviews with the complainant, staff and governors as appropriate. These may be 'face to face' or by telephone);
- a mediation meeting between the complainant and a representative of the school;
- a written summary of the mediation meeting including, where appropriate, recommendations in relation to school policies, procedures and actions.

Mediation will be undertaken by an adviser not directly linked to the school in order to ensure complete impartiality. This service can be accessed on a consultancy basis.