



# Cabot Primary School Complaints Policy

Date adopted: 15<sup>th</sup> January 2015

## History of most recent policy reviews

Review Date	Details	Ownership
December 2014	Flow-chart, complaint form	Resources
November 2017	Update signposting to Service Director, E&SP Directorate	
November 2020		

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**Author: Adopted from DoE Toolkit 2014**

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## 1. Complaints Statement

Cabot Primary School is committed to ensuring the highest standards of education for all of our children. One of the ways we can continue to improve is by listening and responding to the views of our parents and other members of our community. If you have any concerns, comments or compliments, in relation to the work of our school, please do speak to a member of staff. We will always try and resolve any concerns informally to your satisfaction as quickly as we can.

However, if you wish to make a formal complaint, then the procedure for doing so is set out below, together with a form on page 12 to use when making your complaint. Most complaints can be resolved informally at the early stages (Stages One and Two) and escalation to Stage Three and above is rare.

## 2. Complaints Procedure

### 2.1. Introduction

School Governing Bodies are required by law to have procedures in place to deal with complaints relating to aspects of the school or the provision of facilities or certain services at the school. The law requires that this procedure must be easily accessible and publicised.

- The vast majority of complaints and concerns can be resolved informally.
- A complaint can be brought by a parent of a registered child at the school or any person who has been provided with a service or a facility at the school. A Complainant could be a member of the wider community or representing an ex-pupil. The procedure refers to this person as a Complainant.
- The Complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing.
- At first it may be unclear whether a Complainant is asking a question or expressing an opinion rather than making an educational complaint. A Complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.
- A concern or unresolved problem becomes a complaint only when the Complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action.
- If the complaint concerns a pupil it is expected they will be interviewed with



their parent/guardian. If a pupil would prefer to be interviewed without a parent/guardian present a nominated member of staff with whom the pupil feels comfortable will attend the interview.

- When a complaint has been made it can be resolved or withdrawn at any stage.
- A nominated member of staff from the Senior Leadership Team will have responsibility for the operation and management of the Complaints procedure. This member of staff, however, may not necessarily be the Headteacher.

### **3. Special Circumstances**

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the Headteacher or Governing Body.

### **4. Time Limits**

The School will ensure that Complaints will be considered and resolved as quickly and efficiently as possible. Realistic time limits have been set for each stage based on School days. However, when further investigations are necessary, new time limits will be sent to the Complainant with an explanation of any delay.



## The Stages of a Formal Complaint (Page 11 for flow-chart)

### **5. Stage One (informal) – contact with appropriate member of staff**

**It is in everyone's interest that complaints are resolved at the earliest possible stage. A complaint with a member of school staff can be raised either:**

- in person;
- by telephone; or
- in writing.

The school will give the Complainant a chance to discuss concerns informally with an appropriate member of staff. Any complaints about a member of staff should be made to the Headteacher. You may need to make an appointment to discuss these concerns further.

- You can bring a friend to any discussion
- You will be asked what action would resolve your complaint.
- The member of staff dealing with the concern will make sure the Complainant understands what actions have been agreed
- The process will be completed quickly and conclusions will be sent in writing within 5 school days.
- If a suitable solution cannot be found, the Complainant will be advised to consider making a formal complaint in writing using the form on page 12 to the Senior Leadership Team Complaints Co-ordinator. If the complaint is about the Headteacher it should be made to the Chair of Governors.

The experience of the first contact between the Complainant and the school can be crucial in determining whether the complaint is resolved swiftly. Staff will be made aware of the procedures and they know what to do when they receive a complaint.

We will respect the views of a Complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complainant will be referred to another staff member. Where the complaint concerns the Head, the Complainant will be referred to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the school may consider referring the Complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Governor, the next step would be to refer the Complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a Panel at a later stage of the procedure.



If the complaint is not resolved within 10 days at Stage One then the complaint should be made in writing to the Headteacher using the form provided. Any complaint about the Headteacher should be made to the Chair of Governors. Any complaint about the Governing Body should be made to the Headteacher.

## **6. Stage Two (formal) - Complaint investigated by the Headteacher**

The Headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the Complainant may be dissatisfied with the way the complaint was handled at Stage One as well as pursuing their initial complaint.

- 6.1 The Headteacher may delegate the task of collating the information to another staff member but not the decision on action to be taken.
- 6.2 The Headteacher should acknowledge the complaint in writing within 3 school days. In some cases the Headteacher will have already been involved in looking at the matter; in others it will be his/her first involvement.
- 6.3 The Headteacher should consider providing an opportunity to meet with the Complainant to supplement information previously provided.
- 6.4 If the complaint is against a member of staff the Headteacher should talk to the staff member against whom the complaint has been made. Staff members must have the opportunity to present their case.
- 6.5 If necessary, the Headteacher should interview witnesses and take statements from those involved.
- 6.6 The Headteacher should keep reasonable written records of meetings, telephone conversations and other documentation.
- 6.7 Once all the relevant facts have been established, the Headteacher should produce a written response to the Complainant within 5 school days of the meeting. The Headteacher may wish to meet the Complainant to discuss/resolve the matter before confirming the outcome in writing.
- 6.8 The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.
- 6.9 Stage Two should be completed within 20 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Headteacher should write to the Complainant giving a revised target date.
- 6.10 Schools will not pay financial compensation as a response to complaints.

If the Complainant is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Governing Body within 10 school days of receiving the outcome letter. The outcome letter should set out the name of the Chair of the Governing Body and the address to which the Complainant can send the letter.



If the complaint is wholly or mainly about the Headteacher the Chair of the Governing Body will invite the Headteacher to respond to the Complainant in writing within 10 school days. The Chair will send a copy of the Headteacher's response to the Complainant who will be asked to indicate within 5 school days of receipt of the response whether s/he is satisfied with the response.

If the complaint is wholly or mainly about a Governor, the Chair of Governors will respond in writing within 10 school days. If the complaint is about the Chair of Governors, the complaint will be referred to the Vice-Chair. If the concern relates to the whole Governing Body, the Complainant should contact the Service Director, Education & Skills People Directorate Bristol City Council P.O Box 3176, Bristol. BS3 9FS.

If the Complainant is not satisfied with the response, Stage Three should commence as described in below.

## **7. Stage Three (formal) - Complaint heard by Chair of Governors**

If the Complainant is not satisfied with the response of the Headteacher or if the complaint is about the Headteacher, the Complainant should write to the Chair of Governors to request that their complaint is considered further as follows:-

- 7.1 The Chair of Governors should talk to the Headteacher and if necessary should talk to the staff member against whom the complaint has been made.
- 7.2 The Chair of Governors should consider providing an opportunity to meet with the Complainant to supplement any information previously provided.
- 7.3 If necessary, the Chair of Governors should interview witnesses and take statements from those involved.
- 7.4 The Chair of Governors should keep reasonable written records of meetings, telephone conversations and other documentation.
- 7.5 Once all the relevant facts have been established, the Chair of Governors should produce a written response to the Complainant.
- 7.6 The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.
- 7.7 Stage Three should be completed in 20 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Chair of Governors should write to the Complainant giving a revised target date.
- 7.8 The School will not pay financial compensation as a response to complaints.
- 7.9 If the Complainant is not satisfied with the response and wishes to take the matter further, s/he should write to the Clerk of the Governing Body within 15 school days of receiving the outcome letter (clerkcabotp@bristol-schools.uk).



## **8. Stage Four (formal) - Complaint heard by Governing Body Complaints Appeal Panel**

If not satisfied with the response provided at all earlier stages, then the Complainant will need to contact the the Clerk of the Governing Body ([clerkcabotp@bristol-schools.uk](mailto:clerkcabotp@bristol-schools.uk)) giving details of the complaint and asking that it is put before the Appeal Panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated Governor will convene a Governing Body Complaints Panel.

The Governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

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.

Individual complaints would not be heard by the whole School Governing Body at any stage, as this could compromise the impartiality of any Panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governing Body will nominate three members with delegated powers to hear complaints at Stage Four. The Panel may choose their own Chair. Stage Four should be completed within 20 school days.

## **9. The Complaints Appeal Panel**

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 and sensitive to the issues of race, gender and religious affiliation.

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. However, it has to be recognised that the Complainant might not be satisfied with the outcome if the hearing does 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.



The Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Panel Chair will ensure that the proceedings are as welcoming as possible. Care will be taken to ensure the setting is informal and not adversarial.

Extra care will be taken when the Complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child 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. Where the child's parent is the Complainant, the parent will have the opportunity to say which parts of the hearing, if any, the child needs to attend.

The Governors sitting on the Panel need to be aware of the Complaints Procedure.

## **10. Roles and Responsibilities**

### **10.1 The Role of the Clerk**

The Complaints Panel will be clerked. The Clerk is the contact point for the Complainant and is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the Panel's decision.

The Clerk will share copies of the Panel meeting minutes with all parties involved in the Panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

### **10.2 The Role of Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
  - the issues are addressed;
  - key findings of fact are made;



- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the Panel is open minded and acting independently;
- no member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

### **10.3 Notification of the Panel's Decision**

The Chair of the Panel needs to ensure that the Complainant is notified of the Panel's decision, in writing, with the Panel's response (including the reasons for the decision); this is usually within 5 working days of the hearing.

## **11. Final Stage**

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to complaint to the Secretary of State for Education by filling in the Complaints Form at the Department of Education's website at <https://www.gov.uk/complain-about-school>

Or write to:-

The School Complaints Unit (SCU)  
Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WD

What will the Department for Education do?

If a complaint has exhausted the local procedures, the SCU will examine if the Complaints Policy and any other relevant policies were followed in accordance with the provisions set out. The SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

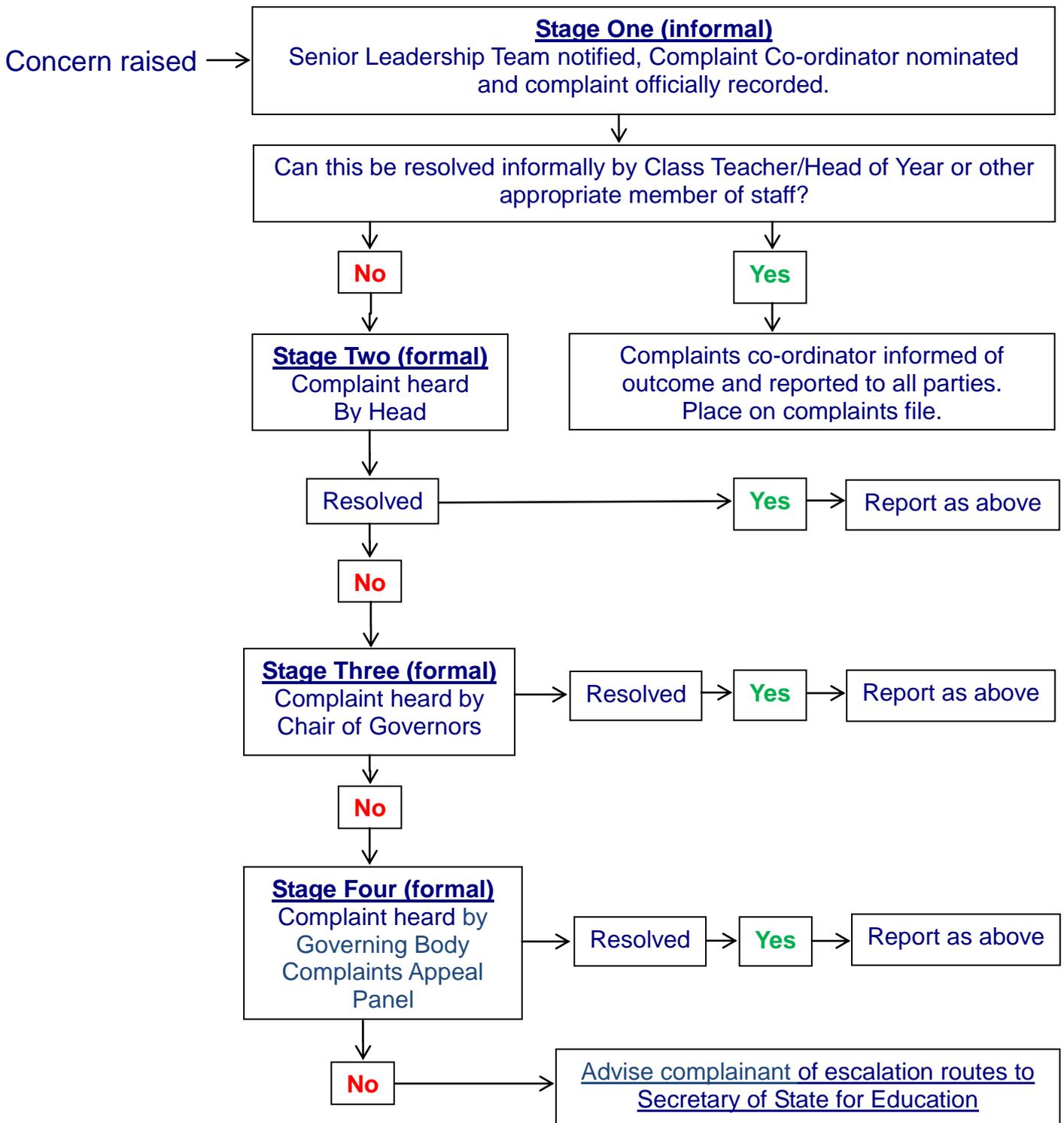


If legislative or policy breaches are found, SCU will report them to the school and the Complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

## **12. Vexacious Complaints**

There will be occasions when, despite all stages of procedures having been followed, the Complainant remains dissatisfied. If the Complainant tries to reopen the same issue, the Chair of the Governing Body will inform them in writing within 5 school days that the procedure has been exhausted and that the matter is now closed. If the Complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the School to respond

# Complaints Action flow-chart



# Complaint Form

Please complete and return to the Senior Leadership Team who will nominate a Complaints Co-ordinator who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint.</b>
<b>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</b>

**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 acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**