



**Loving God and each other
We work together to be the best that we can be**



Complaints Policy

Reviewed : February 2020

General Statement

The governing body has adopted this complaints policy to provide a clear framework to exercising its powers and responsibilities in relation to complaints made against the school, its operation or actions by pupils or staff.

Governing bodies must observe the legal requirements for dealing with admissions, curriculum, exclusions, rights of access, goods & services, human rights and Special Educational Needs complaints. This procedure will be used for both those legal complaints and other complaints dealing with the overall conduct of the school.

Aims

1. The governing body will seek to sort out problems quickly and, as far as possible, locally, and publicise those procedures.
2. In dealing with complaints, the governing body should ensure that the person complaining is given fair treatment and in particular, a chance to state their case.
3. Decisions and the reasons for them will be given in writing for all but day to day minor issues.
4. The person complaining will be informed at the same time of any rights of appeal they have if they wish to take the matter further.
5. Timescales will be set for completing actions so that complaints do not take too long.
6. To allow for a proper investigation, to give careful consideration to all complaints and deal with them as soon as reasonably possible. We aim to resolve any complaints through dialogue and a mutual understanding of all involved and their individual needs in line with our accessibility plan.

Procedure:

See attached flow diagram.

- 1 It is requested that complaints go first to the class teacher and then, if necessary, to the Head Teacher. Complaints about the staff should go straight to the Head Teacher. Complaints will be addressed within the school by the Head Teacher and staff wherever possible.
- 2 If the Head Teacher is the subject of the complaint, the governing body will receive the complaint. The schools complaint form (see below) or a similarly detailed letter should be used to start this process. For sensitive matters it may be better to arrange a meeting with the chair of governors or parent governor initially.
- 3 If not satisfied by the actions of the Head Teacher the complainant may fill in a School's complaint form formalising the complaint and bringing the matter to the attention of the governing body. For sensitive matters it may be better to arrange a meeting with the chair of governors or parent governor initially.
- 4 If the governing body cannot resolve the complaint through its complaints and appeals process, complaints will be referred to the Diocese, Cidari Multi Academy Trust (MAT) and in some cases the Secretary of State.

Anyone can complain to the Secretary of State if she/he believes that a governing body is acting 'unreasonably' or is failing to carry out its statutory duties properly. If the Secretary of State agrees that the complaint is justified, the governing body can be directed to act appropriately. If the governing body do not keep to a direction by the Secretary of State, it may be legally enforced.

Useful addresses:

- Chair of Governors, c/o address: St Silas Primary School, St Silas Road, Darwen, BB2 6JP
- Cidari Education Ltd, Clayton House, Walker Park, Blackburn, BB1 2QE
- Diocese of Blackburn, Church House, Cathedral Close, Blackburn BB1 5AA
- Department of Education, School Complaints Unit, 2nd Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD

Complaints and Appeals hearing

A sub-committee of the Governing Body will hear any complaints. Any governors that have previous involvement with trying to resolve the complaint will withdraw and will be replaced by other governors if it is required to achieve a quorum.

Remit of the Committee when hearing complaints

To investigate and decide on the outcome of the complaint by:

- Hearing the complainant who may be accompanied by 1 person if they wish.
- Hearing the Head Teacher's evidence on the matter.
- Carrying out any other investigation that it feels necessary – such as visiting the site of the complaint, interviewing other members of staff or seeking expert or external advice.

- Explaining the Committee's decision to the complainant and Head Teacher, verbally and in writing.
- Making any recommendations to the governing body required to address shortcomings or weaknesses at the school.
- Making the complainant aware of any further steps that are open to them if they wish.
- Re-convening the Committee if necessary to hear a complaint if further evidence of substance is forthcoming after the hearing.

Appeals

Any appeals will be heard by a specially convened set of 3 governors who were not part of the committee hearing.

This appeal will only hear evidence that the Committee acted improperly or did not apply due process, or ignored important evidence.

It can decide to refer the matter back to the committee for reconsideration and it can decide to change the composition of the Committee for the purposes of the hearing.

The Committee, when deciding on a complaint, is delegated the power to:

1. Require the implementation of temporary changes at the school whilst waiting for a governor or Committee to convene.
2. Convene any Committee of the governing body.
3. Enter a report into a member of staff's personal file.
4. Make presentations to appropriate Committees or the governing body if this is required to implement a decision or action arising from a complaint.
5. Enter into discussions with Cidari or Diocese on behalf of the governing body in matters that relate to a complaint.
6. To refer matters or complaints to external bodies if resolution of the complaint lies outside the remit or powers of the governing body.
7. To deploy up to £1000.00 of the school reserves if urgent action is required to address a problem.

APPENDIX A

Conduct of Complaints Appeal Meetings

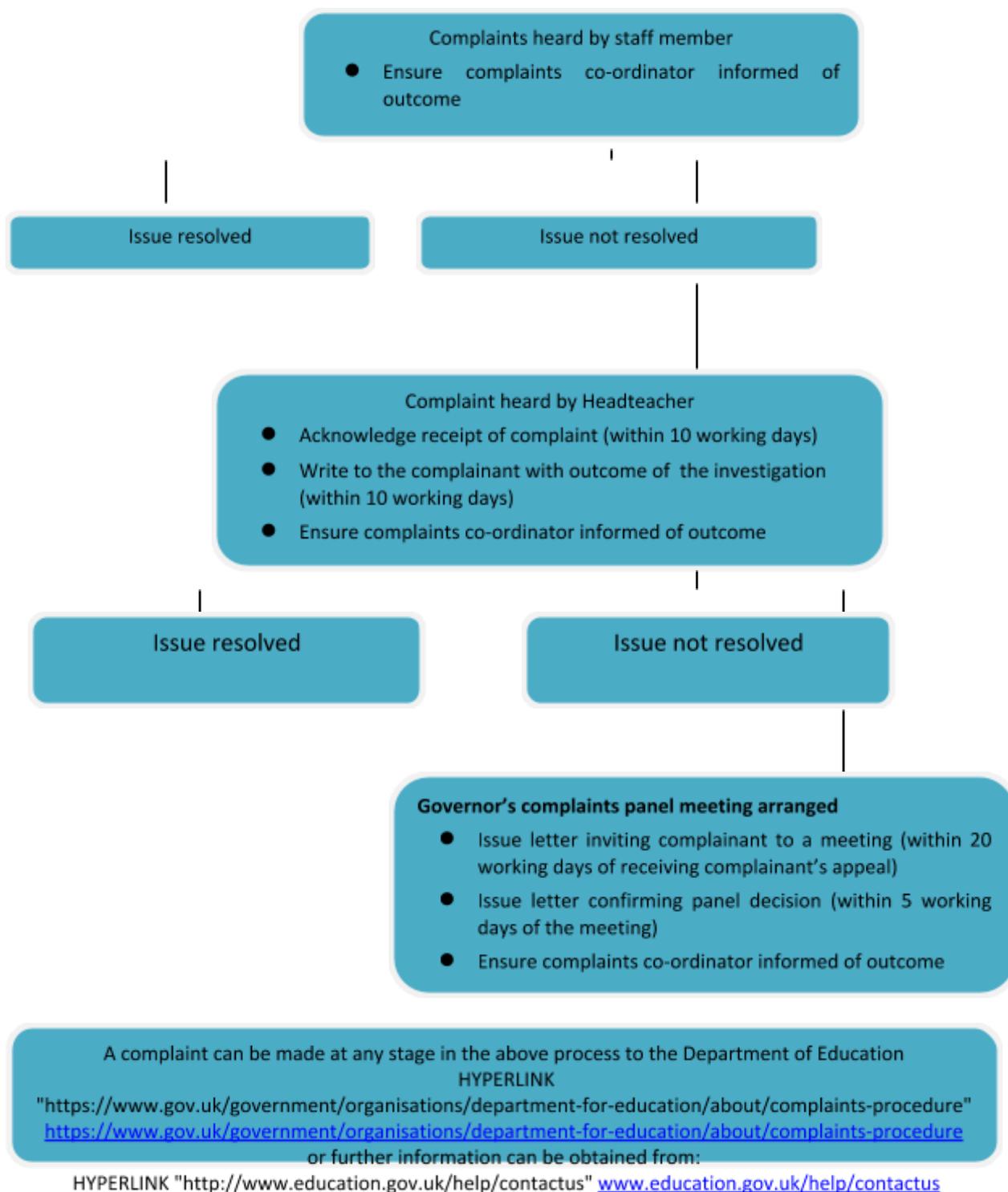
- Although this procedure may appear formal, the hearing should be conducted in as informal as way as possible, and the Chair of the panel should make every effort to make all parties feel comfortable.
- A suitable venue must be provided for the meeting which includes separate waiting areas for the two parties and refreshments for all involved.
- The date and time of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting.

- Submission of additional documentation would not normally be allowed outside this timescale or at the appeal meeting, but the decision whether or not to allow this will lie with the governors' panel.
- The meeting should be minuted.
- Members of staff, who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the governors.
- Both sides must provide names of any witnesses to be called at least five days in advance of the meeting, and the nature of the evidence which they will be providing. The panel has the discretion not to admit a witness if they do not consider their evidence to be relevant to the complaint.
- There will be no audio or visual recording of the proceedings by any party but a copy of the Minutes of the Meeting, once approved, will be shared with all parties.
- The governors will select a Chair from amongst their number.
- The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
- The complainant (or his/her companion) will outline his/her complaint and explain why she/he is dissatisfied with the school's response to date. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
- The Headteacher and the governors will have the opportunity to ask questions of the complainant.
- The Headteacher and/or the Chair of Governors will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Headteacher and/or Chair of Governors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
- The complainant and the governors will have the opportunity to ask questions of the Headteacher and/or Chair of Governors.
- Both parties will be given the opportunity to sum up their statements, ending with the complainant. No new material may be introduced at this stage.
- The governors may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.
- Both parties will leave the meeting and the governors will consider the information that has been put to them. The clerk will remain for this part of the meeting in order to clarify anything if necessary, but the governors' deliberations will not be minuted.
- The governors' panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the governors will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.
- The governors will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The governors' response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which governors arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales.

School Complaints Procedure

Summary of Dealing with Complaints

Annex C – Flow Chart



Signature:
Print Name:
Date

Official use
Date Acknowledgement sent:
By who:
Complaint referred to:
Date: