

Complaints Policy

March 2022

Tackley Church of England Primary School



Vision statement

Our vision for Tackley CE Primary School reflects our commitment to create a school where everyone is important and valued as members of our school and local community. This vision is achieved through our values of curiosity, kindness and responsibility.

These values help us to make good choices about how we lead our lives, and means that we all contribute to our enriched curriculum which places an importance on life beyond the classroom. In school we relate the importance of each individual as a valuable member of our community to the Parable of the Lost Sheep where everyone is included, and everyone is important and valued.

Introduction

The staff and governors of Tackley CE Primary School make every effort to address concerns raised quickly and at an early stage. The school operates an open door policy and encourages parents to discuss any concerns with class teachers, or an appropriate member of the school staff at the earliest opportunity.

The staff and governors recognise however that sometimes parents, or members of our community may wish to make a more formal complaint and have therefore adopted the following procedure to deal with these.

Dealing with concerns at the earliest opportunity

1. If parents, pupils or members of the public have concerns they should:
 - a. discuss their concerns with the member of staff most directly involved and, if not satisfied;
 - b. discuss their concerns with a senior member of staff and, if not satisfied;
 - c. discuss their concerns with the Headteacher.

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

3. Complainants are 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.

As part of considering a complaint the school will seek to identify areas of agreement and to clarify any misunderstandings that might have occurred.

4. Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the Chair of Governors or Clerk to the Local Governing Body (LGB).

5. If the Headteacher considers s/he can do no more to resolve the complaint it should be stated explicitly that the complainant can write¹ to the Chair of Governors if not satisfied.

Principles informing our complaints procedure

6. This procedure is designed to:

¹ Alternative methods of communication will be considered where required under the Equality Act

- 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;
- allow a mediation process if agreed by the complainant;
- 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;
- allow opportunity for learning and improvement where applicable.

Making a Complaint to the Local Governing Body

7. Where informal/in-school attempts have been unsuccessful in resolving a complaint, the complainant may write to the Chair of Governors or Clerk to the LGB at the school address. The envelope should be marked 'Private and Confidential - FAO Chair of Governors' and staff in the school office must ensure that the letter is forwarded without delay.

8. The complainant will be asked to complete a complaint form (Annex 1) if they have not already done so. The Chair of Governors or Clerk will offer to help an individual to complete the details where appropriate. On receipt of the complaint form, the Chair of Governors (or other nominated governor) will:

- 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.

9. At this point the Chair of Governors will decide whether the complaint should go straight to the governors' complaints panel or whether a mediation stage should be offered. Mediation can only proceed if the complainant and the Headteacher are both willing for it to be tried.

10. If mediation is not successful, the complaint will be considered by the governors' complaints panel. There may also be certain situations, such as vexatious complaints, where the Local Governing Body will determine that neither mediation nor a complaints panel is appropriate and the complaint will therefore be dismissed.

Mediation

11. Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Headteacher another opportunity to hear each other's points of view (with a third party facilitating);
- it gives the third party an opportunity to help Headteacher and complainant identify and build on areas of agreement;
- it gives Headteacher and complainant a structure within which they can resolve remaining differences;
- if both complainant and Headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them;
- even if the complaint continues to a governors' panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part;
- 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.

12. If mediation is not successful, the complaint will be considered by the governors' complaints panel. There may also be certain situations, such as vexatious complaints, where the Local Governing Body will determine that neither mediation nor a complaints panel is appropriate and the complaint will therefore be dismissed.

Governors' Complaints Panel

13. 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 panel of Governors.

14. Establishing a complaints panel:

- a. The LGB will seek to agree the composition of the complaints appeal panel at the first meeting each year;
- b. However, the decision about the membership of a particular panel will depend on factors such as availability and will be made by the Chair of governors in consultation with the Clerk;
- c. the hearing must be independent and must be seen to be so. The panel will comprise of at least 3 members, none of whom will have had any previous direct involvement in, or knowledge of the detail of the complaint;
- d. at least one member of the panel will be independent of the management and running of the school, for example a governor at another ODST school;
- e. when the Clerk of governors receives a copy of the complaint form he/she will inform the LGB 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.

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

- a. The procedure allows for a parent making a complaint, to attend and be accompanied at a panel hearing if they so wish;
- b. 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;
- c. the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;
- d. 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 not intimidating and not adversarial;
- e. it is intended that all parties remain together for the duration of the panel meeting. However, should the Chair determine that any party is not willing, or able, to adhere to the process (as set out below), or considers that their behaviour is not conducive to a fair and open meeting, that party will be asked to leave the meeting. If that party has not yet given their presentation, they will be invited to do so with only the panel members present in the room. It is up to the panel collectively to determine whether they hear this presentation immediately or wait until after the other party has given their presentation. All members of the panel must be present throughout and hear the evidence from all parties;
- f. it may be necessary to have one or more adjournment to allow for reflection or to seek additional supporting evidence,

- g. Governors sitting on the panel need to be aware of the complaints procedure and any other procedures relating to the complaint e.g. Anti-bullying policy.
 - h. Evidence should be provided to the hearing in writing prior to the meeting, the attendance of witnesses is discouraged,
 - i. The clerk is responsible for obtaining papers setting out the case from both sides, with any supporting evidence. The papers should be copied and sent to panel members, complainant(s) and the headteacher, at least five working days in advance of the meeting. This ensures that everyone involved has had time to read and understand the papers
16. The Chair of the Panel will be nominated by the members of the complaints panel but would in general be expected to be the independent panel member. The Chair is responsible for ensuring that both complainant and Headteacher are given a fair hearing and that the panel arrives at its judgement without fear or favour.

Remit of the panel

17. The complaints 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 problems of a similar nature do not recur.

It may:

- consider and, if appropriate, comment on the way in which an operational decision was communicated – but cannot overturn the decision itself;
- consider the thoroughness with which the Headteacher/ LGB investigated a complaint about a member of staff – but cannot expect the Headteacher to provide details about confidential discussions with that staff member;
- consider the manner in which a complaint about any decision was addressed – but cannot expect the Headteacher/ LGB to have changed the process used;
- consider and, if appropriate, identify limitations in a policy or procedures –but cannot make or improve policy. (It can, however, recommend that the policy be reviewed by the trustees of ODST to ensure that problems of a similar nature do not recur),
- consider whether it should recommend that the Headteacher/ LGB offer appropriate redress.

Format of a Panel Hearing

18. An example of the format a panel hearing may follow is:

19. The complainant and the headteacher will enter the room where the hearing is taking place together – ordinarily it is anticipated that the clerk will collect both parties and show them into the room, but this role may be filled by a member of school staff
- The chair will introduce the panel members and the Clerk and outline the process to the complainant and Headteacher.
 - The complainant is invited to explain their complaint
 - The headteacher may question the complainant
 - The panel will question the complainant
 - The headteacher is invited to explain the school's actions
 - The complainant may question the headteacher
 - The panel will question the headteacher

- The complainant is invited to sum up their complaint
 - The headteacher is invited to sum up the school's actions and response to the complaint
- The chair checks that both parties have said everything that they want to say and that they are satisfied that they have had a fair hearing. If either party remains dis-satisfied the chair should provide a reasonable opportunity for this to be rectified prior to the end of the meeting.
- The chair explains to both parties that they will hear from the panel within five working days;
- Both parties leave while the panel decides on the issues and reaches a decision,
- The Clerk will remain with the panel to clarify and draft the letter outlining the panel's decision.

Panel hearings will be held in a place which is convenient and accessible for all parties. This may not be the school.

General Principles

20. Certain principles underpin the format of a complaints hearing:

- The hearing should be made as unthreatening as possible to all parties;
- the panel may ask questions at any point, but only if an immediate question will help to clarify a point. Panel members must find ways to ask probing questions while maintaining an air of impartiality;
- other than as specified above, the Headteacher and complainant must have no contact with members of the governors' complaints panel;
- the chair of the panel should discourage the introduction of fresh documentary evidence at the hearing – there should be every encouragement to produce the evidence in advance so that both sides have time to study it;
- however, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for enough time to allow everyone to read the document;
- both parties must leave the hearing room during any adjournment and during discussions of the panel on the substance of the complaint.

Exceptional circumstances

21. For the sake of clarity, the description above does not cover exceptional circumstances which might include:

- the chair of governors may not be able to find three governors who have no prior knowledge of the case: If a case has become a major talking point around the community, the chair can nominate three governors with minimal prior knowledge. If there are still insufficient governors able to sit on a panel, the governing body in consultation with ODST will put in place an alternative fair process using independent governors from other, local ODST schools;
- the complaint may not be against the Headteacher: A complaint to the governors' complaints panel will never be against a junior member of staff (it may be against the way the Headteacher handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the Headteacher. That would need to be considered very carefully but if agreed the senior manager would be 'the Headteacher' for the purpose of the panel. There may be exceptional circumstances in which the complaint is against the chair of governors – e.g. for willfully refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Headteacher' would be read as 'chair of governors';
- the complainant and/or the Headteacher may wish to call witnesses: The use of witnesses is discouraged. In nearly every case, a complaints panel will want to work with written witness statements if appropriate, but there may be particular circumstances where the presence of

witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. They will remain outside the hearing room until called in to give their evidence. Having provided their statement, they can be questioned by the panel members and the other party. They will leave the room when their evidence is completed;

- the complainant may be a pupil at the school: Good schools encourage pupils to raise concerns and would expect to resolve them before it becomes a formal complaint to the LGB. If it is not resolved, it would be very unusual if parents have not picked it up and made it a parental complaint. However, if a pupil is the complainant, panel members will wish to ensure that the same process is followed but special consideration is given to ensuring that the child is supported and does not feel intimidated. The panel needs to give the views of the child equal consideration to those of adults.

Writing the decision letter

22. The Clerk will ensure that s/he has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The Clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all three panel members, it should be sent to the complainant with a copy to the Headteacher. The complainant should also be provided with a copy of the minutes of the meeting (as far as possible the minutes will seek to be a verbatim record, where this is not possible they will provide a clear overview of the issues discussed, concerns raised and any questions asked.

- The letter should clearly express how seriously the panel considered the complaint;
- the Clerk should be careful that the letter adheres to the facts and gives no hint of partiality;
- the Clerk should ensure that the letter reaches the complainant and the Headteacher within five school days.

Monitoring Complaints

23. 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.

Unreasonable complaints

ODST defines unreasonable complainants as those who because of the frequency or nature of their contacts with the schools, hinder the school's consideration of their or other people's complaints. A complainant may also be considered unreasonable if their complaint is considered to be vexatious.

A complaint may be regarded as unreasonable or vexatious when the complainant –

- **Refuses to articulate their complaint or specify the grounds of their complaint, even following the offer of support**
- **Refuses to co-operate with the complaints process, whilst still seeking resolution**
- **Refuses to accept that some issues are outside of the scope of the complaints procedure**
- **Insists that the complaint is dealt with in ways which are incompatible with the school's complaints procedure, or good practice**
- **Introduces trivial, or irrelevant information, or raises significant detailed but unimportant questions that they then wish to be addressed in detail**

- **Makes unjustified complaints about staff investigating their complaint and/or seeks to have them replaced**
- **Changes the basis of their 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 where the school's complaints procedure has been fully and properly completed**
- **Making excessive demands on school time by frequent, lengthy, complicated or stressful contact with staff while the complaint is being dealt with**

A complaint may also be considered unreasonable if the complainant does so in a way that is considered to be –

Malicious

Aggressive

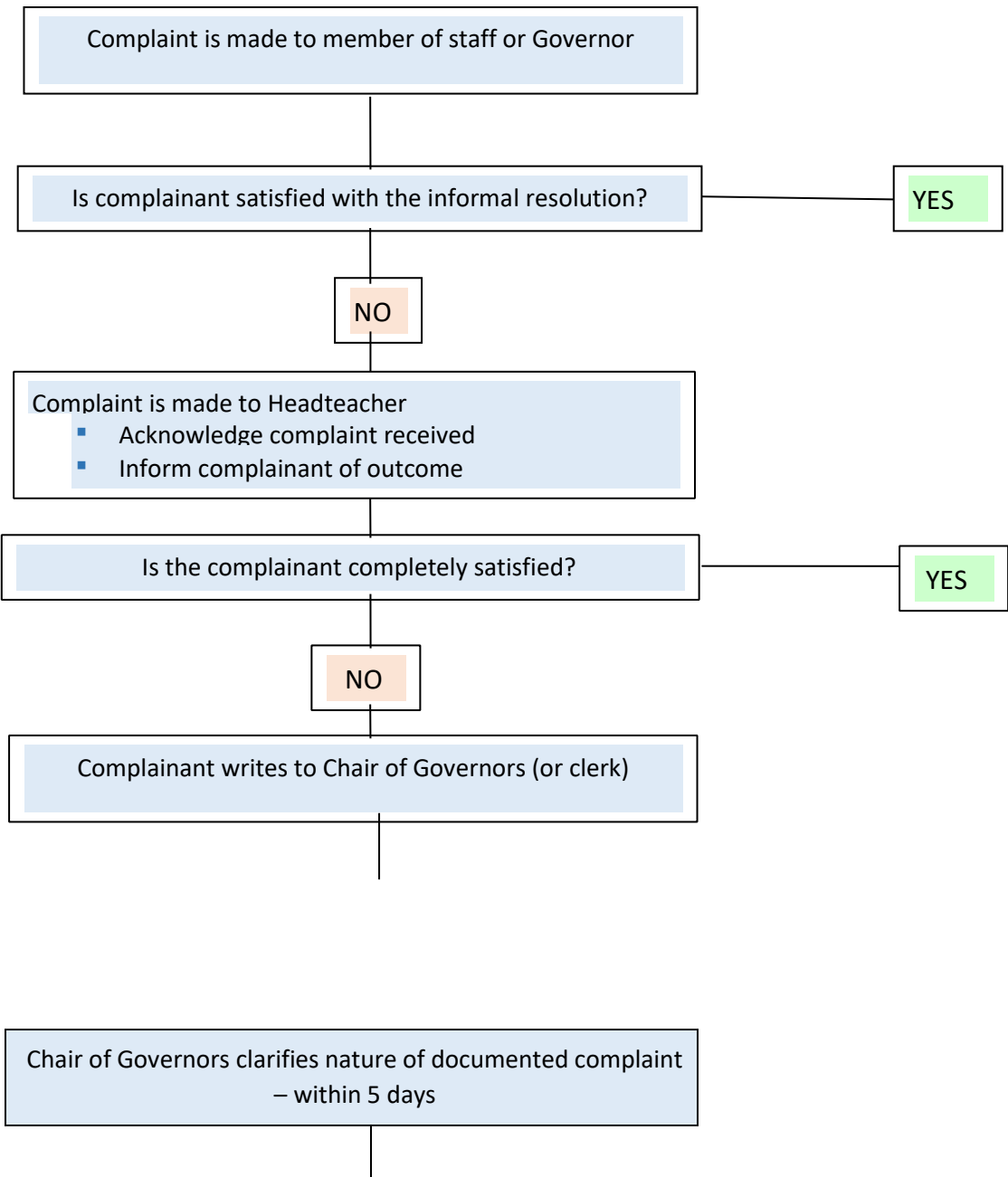
Using falsified information

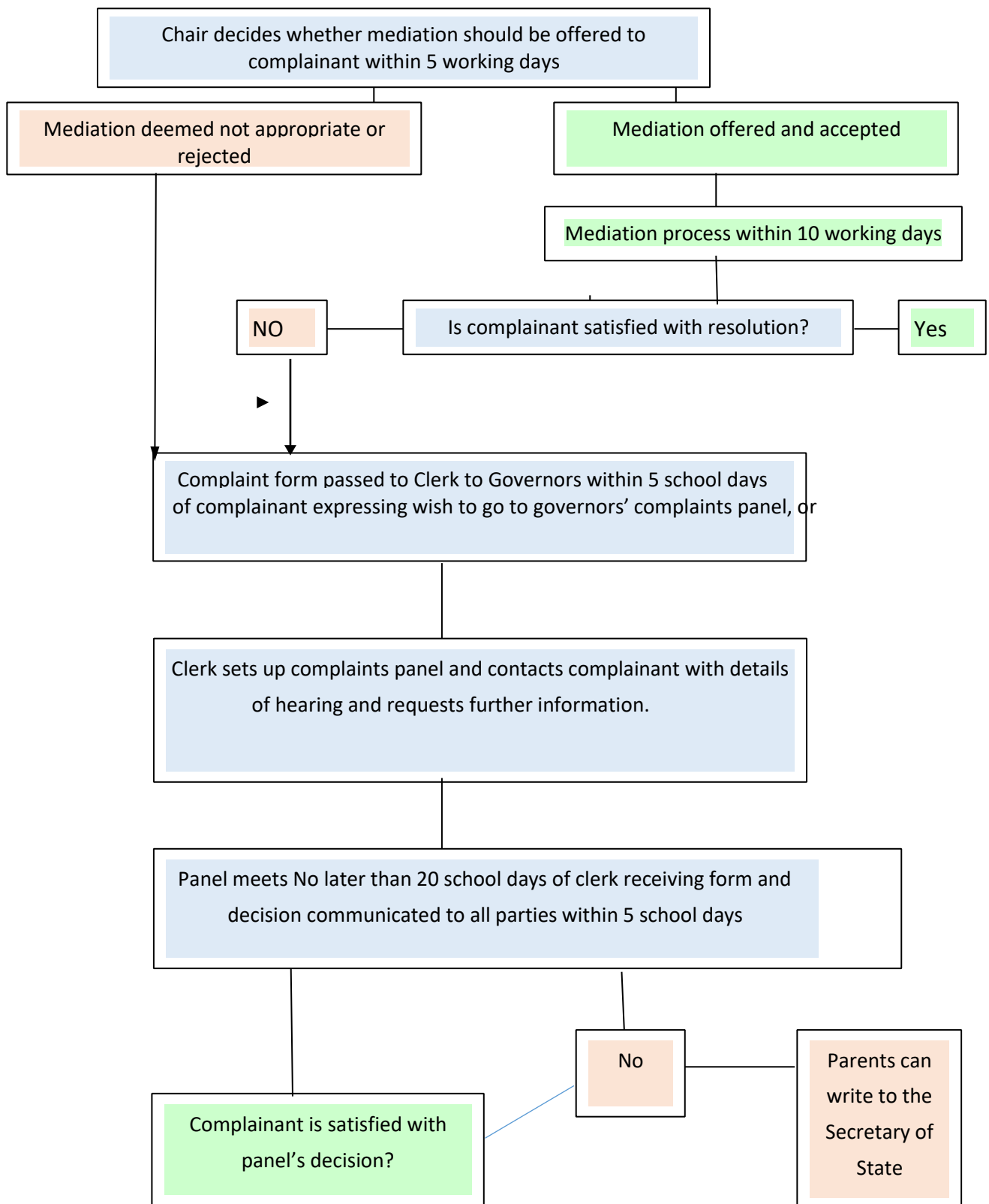
Uses abusive, offensive or discriminatory language

Whenever possible the complainant will be made aware that their complaint is at risk of being deemed unreasonable or vexatious prior to it being marked as such.

Where a complaint is deemed as unreasonable or vexatious a formal letter will be sent to the complainant advising them of this and stating that the matter is now closed. Where complainants continue to excessively contact the school a communication plan, specifying methods of communication and limiting the number of contacts will be established. Communication plans will normally be reviewed after six months.

The flowchart below summarises the complaints process.





Annex 1: Complaint Form

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.

Tackley CE Primary School

Please complete and return to the School Office 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:

Annex 2: Sharing your concerns about your child's education: A Parents' Guide

Tackley CE Primary School recognises with regret 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.

The school has procedures for dealing with concerns or complaints and we value any feedback about our services, including compliments and suggestions. Full details of our complaints policy can be found on the school website. If you are concerned about any aspect of your child's education, you should in the first instance discuss the matter with your child's class teacher. If, following this, your concerns remain unaddressed please contact _____ at the school.

As a member of the Oxford Diocesan Schools Trust the school's Local Governing Body (LGB) has delegated responsibility for the school and for ensuring the well-being of pupils and that all pupils receive an appropriate and high standard of education.

The Headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. So, you should contact the school if you are concerned about an issue such as:

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

How do I complain to the school?

First, we hope you will speak to the relevant member of staff as soon as you have a concern. This is likely to 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 speak to or write to the Headteacher who will look into your concern.

If you are unhappy with the Headteacher's response you should write with your complaint to the Chair of Governors/Clerk to the Local Governing Body at the school address. Mark your envelope 'Private and Confidential- FAO Chair of Governors'.

This is how your complaint will be handled

Within 5 working days the Chair of Governors will clarify the nature of your complaint by asking you to complete a complaint form and will offer help in completing the form, if appropriate.

Within 5 working days of receiving the form the Chair will decide whether mediation should be offered to help you and the Headteacher explore possible resolution.

If mediation is agreed, the Chair of Governors will endeavour to set up the meeting within 10 working days. If that timescale is not possible you will be told the reason.

If mediation is not deemed appropriate or if it is not successful, the Chair of Governors or Clerk will set up a panel of governors to meet within 15 working days to consider your complaint. The Clerk will provide details of the hearing and will request any further information you may wish to provide.

The complaints panel will consist of at least 3 members, usually governors but also including one member independent of the management and running of the school, who will have no prior knowledge of the events being complained of. The panel will be supported by a Clerk who will take notes during the hearing and will stay with the panel while they make their decision. The panel will hear the complaint impartially and make their decision without fear or favour.

Five working days before the hearing the Clerk will send to you, the complainant, the Headteacher and the three panel members, copies of all papers submitted by both sides so that there is sufficient time to read the evidence before the hearing.

The process at the hearing will depend on the Chair but is likely to follow the format below:

- The chair will introduce the panel members and the Clerk and outline the process to the complainant and Headteacher.
 - The complainant is invited to explain their complaint
 - The headteacher may question the complainant
 - The panel will question the complainant
 - The headteacher is invited to explain the school's actions
 - The complainant may question the headteacher
 - The panel will question the headteacher
 - The complainant is invited to sum up their complaint
 - The headteacher is invited to sum up the school's actions and response to the complaint

Both parties will then leave the meeting, the clerk will remain with the governors whilst a decision is made. You will receive a formal outcome from the panel within five school days.

Can I take my complaint further?

For most complaints, you cannot take your complaint to the ODST. ODST will not investigate school matters on a parent's behalf. However, ODST may review the LGB panel's decision on the complaint having regard to the tests of illegality, irrationality or procedural impropriety; i.e. ODST would review whether the LGB complaints panel has acted fairly and reasonably. It would not consider the detailed submissions put as evidence to the complaint panel by both parties. Any such panel would be comprised of Trustees, committee members or officers of the ODST. If, following these steps, you still feel that the school has acted unreasonably or not followed the correct procedures, you can contact the Education and Skills Funding Agency on-line at <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy> or in writing