

**Christ Church (Church of England) Infant
School and Nursery
and
Christ Church (Church of England) Junior
School**



COMPLAINTS PROCEDURE

Section 29 of the Education Act 2002 requires that:

(1) The governing body of a maintained school shall –

- (a) Establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
- (b) Publicise the procedures so established.

(2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school,” means a community, foundation or voluntary school

Mission Statement

Working together to build a strong foundation, through Faith and learning.

Approved by Governors : June 2022
Date for Review: June 2025

Complaints Policy

1.0 Overview

2.0 Dealing with Concerns and Complaints

2.1 Informal Procedures – How the School handles Concerns

2.2 Formal Procedures - How the School handles Complaints

3.0 The Stages of Complaints

3.1 Stage One - Complaint heard by the Executive Head Teacher (or Chair of Governors)

3.2 Handling the Complaint

4.0 Investigating and Resolving Complaints

4.1 Investigating Complaints

4.2 Resolving Complaints

4.3 Anonymous Complaints

4.4 Vexatious Complaints

4.5 Time Limits

4.6 Child Care and Child Protection Issues

5.0 Stage Two: Review of the Executive Head Teacher (or Chair of Governors) decision by the Governing Body Complaints Review Panel

5.1 Remit, Roles and Responsibilities of the Complaints Review Panel

5.2 The Remit of The Complaints Review Panel

5.3 Appeals

6.0 Complaints to OFSTED

Appendix 1 Complaint Form

Complaint Procedure Flowchart

1.0 Overview

In accordance with the requirements of Section 29 of the Education Act 2002, Christ Church (Church of England) Schools' Governing Body have developed a policy to deal with concerns and complaints relating to the school and to any community facilities or services that the school provides.

The Policy and procedures to be followed have also been publicised in the School's Prospectus/ on the School's website as required by law. The responsibility for dealing with general school based complaints lies solely with the school. Each school may develop its own complaints procedure, and the Local Authority guidelines formed the basis for this particular school's Policy.

(Note that this policy and complaints procedure does not replace those of the Local Authority, already set up for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school.

In addition, there are certain complaints which fall outside the remit of the governing body's complaints procedure, for example, staff grievances or disciplinary procedures. The governing body also requires any third party providers offering community facilities or services through the school premises, or using school facilities (even if it's hiring it out for a wedding reception!), have their own complaints procedure in place.)

2.0 Dealing with Concerns and Complaints

2.1 Informal Procedures

The Executive Head Teacher and Governors are eager to take concerns seriously and to deal with them at an early stage, avoiding the need for formal procedures wherever possible. There is a need to be clear about the difference between a concern and a complaint.

The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

In the first instance all approaches to the School, regarding concerns or complaints, will be reported to the Executive Head Teacher. It would be helpful if issues could be resolved on the spot by the class teacher, however the Executive Head Teacher may become involved through meetings with parents. At this stage a governor would be informed. Complainants will be made aware of the Complaints Policy and procedures, at an early stage.

At this **Informal Stage** there should be no time restriction to resolve the concern: action should be on-going if both parties feel a solution can be found. The Executive Head Teacher

may choose to involve a member of the Governing Body at this informal stage, with the proviso that this Governor could not then take part if the concern is not resolved by the end of the first stage of Formal Procedures.

2.2 Formal Procedures

If, and when, initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied, and wants to take the matter further, the next stage of **Formal Procedures** will then be invoked.

The Executive Head Teacher is the person nominated to have responsibility for the operation and management of the school's complaints procedure, developed and supported by the Governing Body. The Executive Head Teacher will ensure that all parties are kept fully informed of the progress being made and the stage of the procedures reached.

Where the complaint directly involves the actions of the Executive Head Teacher, then the Chair of Governors will investigate the complaint. Where the complaint directly involves the actions of the Chair of Governors then the Vice Chair of Governors will investigate the complaint.

3.0 The Two Formal Stages of Complaints

The Two Stages

- Stage one: Complaint heard by Executive Head Teacher (or Chair of Governors);
- Stage two: Review of Executive Head Teacher's (or Chair of Governors') decision by The Governing Body Complaints Review Panel;

3.1 Stage One: Complaint Heard by Executive Head Teacher (Chair of Governors)

If the complaint is not resolved at the **Informal Stage**, the complainant should send a letter to the Executive Head Teacher (or Chair of Governors) giving written details of the complaint.

The Executive Head Teacher (or Chair of Governors) will acknowledge receipt of the letter, and check that the complainant is aware of the Complaints Policy and Procedures, and where this can be accessed.

The Executive Head Teacher may delegate the task of collating appropriate and relevant information to another staff member, but the decision on the action to be taken cannot be delegated.

If the complaint involves the conduct of the Executive Head Teacher or a Governor, or where the Executive Head Teacher or Governor has been involved in the issue previously, it is not appropriate for them to be directly involved at this next stage and the complaint will then be referred to the Chair of Governors, or if the complaint concerns the Chair of Governors, it will be referred to the Vice Chair of Governors or to a third party.

Investigation of any complaint will begin within 5 school days of receiving the details of the complaint in writing.

The investigation will be completed as soon as reasonably practicable, but normally within 20 working days. Both the complainant and any individual, who may be the subject of the complaint, will be informed of the outcome of the investigation, and any decision or action taken, in writing.

This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The complaint is substantiated in part or in full. (Some detail of action the school may be taking to review procedures etc... may or may not be given, but details of the investigation or of any disciplinary procedures will not be released)
- The matter has now been fully investigated and the appropriate procedures are being followed, which are strictly confidential (e.g. where staff disciplinary procedures are being followed)

If the complainant is not satisfied with the manner in which the process has been followed the complainant may request that the governing body review the process followed by the Executive Head Teacher (or Chair of Governors) in handling the complaint. Any such request must be made in writing within two weeks of receiving notice of the outcome from the Executive Head Teacher (or Chair of Governors) and include a statement specifying any perceived failures to follow the procedure.

If the complainant considers that the decision of the Executive Head Teacher (or Chair of Governors) is perverse, or that the Executive Head Teacher (or Chair of Governors) has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Executive Head Teacher (or Chair of Governors).

3.2 Handling the Complaint formally

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint can be speedily resolved. Staff members are aware of the Complaints Policy and Procedures and know that they must refer any concern or complaint to the Executive Head Teacher.

The school should respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. Where the complaint concerns the Executive Head Teacher the complaint should be referred to the Chair of Governors.

Where the first approach is made to a Governor, the complainant will be asked straight away to contact the Executive Head Teacher, and the Governor will report the issue to the Executive Head Teacher without delay. The Executive Head Teacher will advise the Governor of the procedure to be followed. Governors will not act unilaterally on an individual complaint outside the formal procedure or become involved at an early stage, in case they are needed to sit on a panel at a later stage of the formal procedure.

4.0 Investigating and Resolving Complaints

4.1 Investigating Complaints

The Executive Head Teacher, investigating the complaint, 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 if further information is needed);
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- All participants shall have the right to be accompanied/represented throughout the procedure by a friend who may be a trade union representative.
- Conduct the interview with an open mind and be prepared to persist in the questioning;
- Make agreed notes of the dates of letters received, meetings held and decisions taken at each stage, whether Informal or Formal, and make them available to all parties involved.

4.2 Resolving Complaints

At each stage in the procedure the School's representatives will want to keep in mind ways in which a complaint can be resolved. The outcome of the investigation may be to dismiss the complaint or uphold the complaint. The nature of the resolution will be to the extent to which the complaint is justified. 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;
- 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.

This list is not exhaustive.

- An admission that the school could have handled the situation differently is not the same as an admission of negligence.
- An effective procedure will identify areas of agreement between the parties.
- It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

4.3 Anonymous Complaints

Anonymous complaints will not be investigated. Such complaints should be directed to the appropriate Local Authority officers.

4.4 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 having been followed, the complainant remains dissatisfied. If the complainant tries to reopen 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.

4.5 Time Limits

Complaints will be considered, and resolved, as quickly and efficiently as possible. There are realistic time limits for each action within each Formal Stage. However, where further

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

In the normal course of events complaints should be received by the Executive Head Teacher within 3 months of the incidence of the issue causing concern.

4.6 Child Care and Child Protection Issues

Any complaint about staff conduct, either paid staff or volunteers, teaching and non-teaching, that raises child protection issues will be dealt with under the inter-agency procedures of the Wolverhampton Safeguarding Children's Board. If the complaint relates to alleged physical, sexual or emotional abuse or a potential criminal offence, the Executive Head Teacher and Governors do not carry out the necessary investigation themselves. Such complaints must be raised immediately with the Local Authority's lead officer for child protection (Paul Cooper). Under an agreed local protocol, they will then be passed to the Police and the Social Services for further investigation if they are not already aware of them.

5.0 Stage Two: Review of the Executive Head Teacher's (or Chair of Governors') decision by The Governing Body Complaints Review Panel.

5.1 Remit, Roles and Responsibilities of the Complaints Review Panel

If the complaint is not resolved at Stage One the complainant should write to the Chair of Governors (or the Vice Chair of Governors if paragraph 3.1 applies), giving details of the complaint **within 10 school days**. The Chair of Governors, or his/her nominee will convene and chair a Governing Body's Complaints Review Panel, made up of three members of the Governing Body.

A Review by this Governors' panel is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints should not be heard by the whole 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 review should be acknowledged **within 3 school days** and commence within **10 school days of this date**.

Review Process

The review will normally be conducted through a consideration of written submissions to the Review Panel, but reasonable requests to make oral representations will be considered sympathetically.

The Review Panel will first receive written evidence from the complainant.

The Review Panel will then invite the Executive Head Teacher (or Chair of Governors) to make a response to the complaint.

The Review Panel should also have access to the records kept of the process followed.

The complainant and the Executive Head Teacher (or Chair of Governors) will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation, where this is practicable.

5.2 The Remit of The Complaints Review Panel

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 ensure that it is a cross-section of the categories of governor and is sensitive to the issues of race, gender and religious affiliation.
- 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. However, it has to be recognised 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.
- c. An effective 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 Review Panel chairperson 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 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, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

- e. Members of the Governing Body sitting on the Review Panel need to be aware of the requirements of the Complaints Policy and Procedures.

5.3 Appeals

- a. If the complainant believes that the school has acted unreasonably then they have recourse to write to the Secretary of State to appeal, under the Education Act 1996 Section 496/497.
- b. Any individual who is the subject of a complaint, who feels that the school has been unreasonable may wish to seek further advice from a trade union or a legal representative.

6.0 Complaints to OFSTED

Follow the school's complaints procedure - every school in England must have one.

Follow these steps in order.

Only move on to the next step if your complaint is not resolved.

1. Complain in writing to the Executive Head Teacher.
2. Complain in writing to the school's governors or academy trustees.

The school complaints procedure should be published on the school's website.

After you've followed the school's complaint process

You can [complain to the Department for Education \(DfE\)](#) if you've followed all the 'Make a complaint' steps.

Complain about how a whole school is run

You can [complain to Ofsted](#) if you think a school is not run properly. You must have already followed the school's complaints procedure.

You should get a response within 30 working days. It will tell you if Ofsted will investigate or not, and why.

<https://www.gov.uk/complain-about-school/state-schools>

Complaint Form

Please complete and return to Mrs S. Blower, the Executive Head Teacher, who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Date of Birth:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint. Please include any relevant dates, times and persons appropriately.

COMPLAINTS PROCEDURE – Flowchart

