



Hayfield Cross  
Church of England School

# Complaints Policy

Ratified by the Full Governing Board	29 <sup>th</sup> November 2017
Name	Helena Cracknell
Signature	
Position	CHAIR OF GOVERNORS
Head Teacher Signature	
To be reviewed by (date) Unless changes in circumstances or legislation	28 <sup>th</sup> November 2018

## The Hayfield Cross Promise

Our promise is to nurture and inspire children to be pioneers of their own futures.

Our children will radiate positivity and have high aspirations for themselves and others.

Children will develop depth of learning through rich and exciting experiences and opportunities in and out of the classroom.

Guided by our Christian values, our children will develop a strong moral compass. Valuing and respecting others they will become individuals who contribute to our global community as citizens of modern Britain.

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*The Lord has told you what is good.  
He has told you what he wants from you:  
Do what is right to other people.  
Love being kind to others.  
And live humbly, trusting your God.  
(Micah 6:8)*

## Introduction

The Head Teacher, staff and governors at Hayfield Cross Church of England School work hard to build positive relationships with all parents. Under **Section 29 of the Education Act 2002**, the governing board is required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. This Policy is subject to the published Equality Information, in line with the Equality Duty 2011 and is underpinned by the Christian beliefs and values of our School.

The law also requires that the procedure be publicised. The requirement to have a complaints procedure in place does not in any way undermine efforts to resolve concerns informally. Taking informal concerns seriously will reduce the number of concerns that develop into formal complaints. This document sets out the staged procedures that the school follows if a complaint is made by a parent.

## Investigating Complaints

The following formal procedures will be invoked when attempts to resolve an issue informally are unsuccessful, and the person raising the concern wishes to take the matter further. The Head Teacher will have responsibility for the operation and the management of the school complaints procedure. Where the complaint concerns the Head Teacher or a governor, the chair of governors will carry out this role.

At each stage of the complaints procedure, the person investigating the complaint will make sure 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
- 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
- respect confidentiality
- conduct any interview with an open mind
- keep a record of the interview and discussions

**Individual complaints will not be heard by the whole governing board at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against the member of staff following a serious complaint.**

## Stage One: Initial Approach

### Complaint heard by a member of staff

If a complainant is concerned about anything, they should, in the first instance, discuss the matter with the child's teacher immediately. Most matters can be dealt with in this way. Teachers work very

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hard to ensure that every child is happy at school, and is making good progress. They will always want to know if there is a problem so that they can take action before a child's progress is affected.

In circumstances where the complaint concerns the Head Teacher, the complainant will be referred to the Chair of Governors at stage 2.

In circumstances where the complaint concerns the Governing Board, the complainant will be referred to the Diocese.

## **Stage Two: Complaint heard by the Head Teacher (or Chair of Governors)**

Where a complainant is dissatisfied with the way the complaint has been dealt with at Stage One, the complainant will be referred to the Head Teacher. The Head Teacher will carry out a thorough investigation of all complaints referred at this stage.

Complainants who wish to pursue a formal complaint at Stage 2 should put their complaint and their desired outcome in writing to the Headteacher or Chair of Governors completing the complaint form. (Appendix A). This form should be either posted to the school or handed in at the office in an envelope marked confidential.

The Headteacher / Chair of Governors will acknowledge the complaint orally or in writing giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within 10 school working days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.

The Headteacher / Chair of Governors may offer an opportunity for the complainant to meet him / her. The complainant will, if she / he wishes, be allowed to be accompanied by a friend or relative who may assist the complainant in presenting their complaint. Interpreting facilities will be made available if required.

If necessary, the Headteacher/Chair of Governors will interview any witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also be interviewed, normally with parent/guardian present. In some circumstances, this may not be possible or appropriate and a senior member of staff with whom the pupil feels comfortable will attend with him/her.

The Headteacher / Chair of Governors will keep written records of meetings, telephone conversations and other documentation.

Once all the relevant facts have been established, the Headteacher / Chair of Governors will either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting will be followed up with a letter summarising the outcome of the meeting. The complainant will be advised in this letter that if they remain unhappy with the outcome, she / he may appeal to a panel of Governors. The complainant should notify the Chair of Governors within 5 school working days of receiving the letter detailing the outcome of the complaint that they wish to appeal to a panel of governors.

## **Stage Three: Complaint heard by the Governing Board Complaints Appeal Panel**

Where a complainant is dissatisfied with the way the complaint has been dealt with at Stages One and Two, they must write to the Chair of Governors requesting they wish to proceed to stage 3. The Chair of Governors will then convene a governing board complaints appeal panel hearing to which the complainant will be invited. The governors' appeal panel is the final stage of the school-based

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process. If the whole governing board is aware of the substance of a complaint before the final stage has been completed, schools will arrange for an independent panel to hear the complaint.

## **The Governing Board Complaint Panel**

It is important, should a complaint reach the Appeal stage that the Governing Board is impartial and independent and is seen to be so. The Governing Board will, therefore, establish a panel to deal with the complaints by nominating a pool of Governors from which 3 can be drawn for any hearing.

Only the 3 Governors selected for the hearing should be privy to any information and/or documentation concerning the complaint. Panel members should have had no prior involvement with the complaint. Generally, the Chair of Governors will not be on the panel as she/he may be involved at the earlier stage. Governing Boards should have regard to the advantages of having a mix of types of Governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel.

The appeal panel's terms of reference are to:

- Hear individual appeals
- Follow procedure set out in this document
- Make recommendations on school policy and or practice as a result of complaints

Upon receipt of a written request from the complainant for the complaint to proceed to Stage 3, a suitable Clerk to the panel will be appointed.

The Clerk will write, acknowledging receipt of the written request, informing the complainant that it will be heard by a committee of the Governing Board ("the panel") within 20 school working days of receipt.

The Clerk will convene a meeting of the complaints panel at a time which is convenient for the complainant and the School. The panel will elect a chairperson who should ensure that proper minutes of the meeting are taken.

The Clerk will ensure that the complainant, school staff member and any other witnesses are given at least 5 school working days notice in writing of the date, time and place of the Hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant will also inform him/her of their right to be accompanied by a friend/relative who may assist the complainant in presenting their complaint. The letter will set out the procedure for the conduct of the Hearing (see Appendix B) and the complainant's right to submit further written evidence to the panel.

The Clerk will invite the school staff member to attend the Hearing and to submit a written report for the panel in response to the complaint. The school staff member may also invite the Chair of Governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and / or in person to the complaint. Any involvement of other staff will be at the discretion of the Chair of the Panel.

All relevant documents should be received by all parties (including the complainant) at least 3 school working days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.

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The Chair of the Panel should try to ensure that the proceedings are as sufficiently informal as possible and that the complainant and other participants feel at ease.

At the conclusion of the representations and questions, the Chair should explain that the panel will consider the issues and write to both parties with their decision within 5 school working days.

All except for the Governors Panel and any advisors should then withdraw and the panel should consider the evidence. The Clerk will remain to minute the rationale for the decision.

The governors will do what they can at this stage to resolve the complaint to the complainant's satisfaction. The panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide the appropriate action to be taken to resolve the complaint
- Recommend changes to the school procedure/practices to ensure that problems of a similar nature do not occur

The School should ensure that a copy of all correspondence and notes are kept confidentially on file in the School, except where the Secretary of State or a board conducting an inspection under Section 109 of the Education and Skills Act 2008 requests access to them. This should be separate from the pupils' personal records.

The broad outcome recommended by the panel can be reported to the next Full Governing Board or appropriate committee with the identity of all those taking part kept confidential. The Governing Board should monitor implementation of the recommendations.

The decision of the Appeal panel is final.

Complaints can be referred to the Department for Education once all other routes have been followed. An online school complaint form is available on the Department for Education website for parents to use if the school's procedure has not been followed.

## **Managing and Recording Complaints**

The Head Teacher will have responsibility for the operation and management of the school complaints procedure and will hold records centrally. A complaint can be made in person or in writing. The Head Teacher will log all complaints received by the school and record how they are resolved. Staff will keep brief notes of meetings and telephone calls.

## **Monitoring and Review**

The governing board will monitor the level and nature of complaints and review the outcomes on an annual basis to ensure the effectiveness of the procedure and make changes where necessary.

## **Publication of the Complaints Procedure**

A link to this complaints procedure will be available on the school website and be made available upon request.

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## APPENDIX A

### COMPLAINT FORM Stage 2

Please complete and return to [*insert name*] who will acknowledge receipt and explain what action will be taken.

Your Name:
Pupil's Name (if relevant):
Your relationship to the pupil (if relevant):
Address:  Postcode: Daytime telephone number: Evening telephone number:
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?):

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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:

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## APPENDIX B

### Procedure for the conduct of a Stage 3 Governors' Appeal Panel Hearing

	Who
The Chair of the panel should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.	Chair
The Chair should explain to all present that the purpose of the Hearing is to review the complaint and try to resolve it and achieve a reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about further action. The Chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines.	Chair
School staff member leaves the room.	
Complainant explains complaint to panel and any witnesses are called.	Complainant
Complainant questioned by the panel.	Panel
Complainant sums up the complaint to the panel.	Complainant
Complainant leaves the room.	
School staff member is collected.	
School staff member is invited to explain school's actions and any witnesses are called.	School staff member
School staff member questioned by the panel.	Panel
School staff member sums up school's action and response to the complaint to the panel.	School staff member
Further clarification from Complainant if required following this the Complainant will be free to leave.	Complainant
Further clarification from School staff member if required following this the School staff member will be free to leave.	School staff member
The Panel should make a decision or judgement on <ul style="list-style-type: none"> <li>o The validity of the complaint</li> <li>o Appropriate action to be taken by the School and / or parent</li> <li>o And where appropriate, recommendations on changes to the School's systems or procedures to ensure similar problems do not arise in the future</li> </ul>	Panel

The decision or judgement will be confirmed in writing within 5 working days.

**NB** If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being heard with all present in one sitting