

Oxspring Primary School



Head Teacher: Mrs S Irwin

Assistant Head Teacher: Mrs Bell (Mr West from September 2015)

COMPLAINTS POLICY June 2015



BARNSLEY
Metropolitan Borough Council

Complaints Policy

Introduction

Since 1 September 2003 governing bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, summarised in Appendix A, to have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. This does not limit complainants to parents or carers of pupils registered at a school. A complainant could be a member of the wider community or representing an ex-pupil. The law also requires the procedure to be publicised.

A copy of this policy and the complaints form may be downloaded from the school website <http://www.oxspringprimary.ik.org/> or a copy may be emailed upon request s.irwin2@barnsley.org or a paper copy may be requested from Mrs Laslett in the office.

School Procedure

Our school values its relationship with pupils and parents and encourages those with concerns regarding their child's education or the services we provide to contact the school with the aim of resolving the issue or concern.

However, where a parent wishes to make a formal complaint it should be treated seriously and managed in a clearly outlined procedure.

In many cases it should be possible for an immediate response to be given. However, if the complaint is of a particularly serious nature and cannot be dealt with immediately, it should be investigated and a response given in the timescales outlined below. Please be assured that every effort will be made by the school to reach an appropriate resolution.

Time limits

Complaints need to be considered and resolved, as quickly, and efficiently as possible. We have indicated realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits may be set. The complainant should be sent details of the new deadline and an explanation for the delay.

Stage 1 - Informal Procedure – complaint heard by staff member

If you have a complaint or feel you need further clarification about concerns that you have regarding what the school is doing for your child, then it is important in the first instance to contact their class teacher. Teachers are generally available after school to speak to parents.

If necessary, you may wish to make an appointment to see your child's class teacher or a member of the Senior Leadership Team. This appointment will be within 5 school days of your request.

At this meeting we will listen to your concerns and then give one of two responses:

- An immediate response to your concerns, or
- An invitation to a further meeting to take place within 10 school days. This will give time for us to look into the matter more fully. At the next meeting a response will be given to your concerns.

Stage 2 - Formal Procedure – complaint heard by Head Teacher

If you are not happy with the response you have received in the informal procedure, or you feel that your complaint / concern is of a more serious nature, then it is important to make use of the school's formal procedure as follows:

- Making a formal complaint should be done by contacting the Head Teacher in writing. You may wish to use the complaints form. (appendix B)
- If you wish to make a complaint on behalf of someone else, you will be required to seek his or her agreement in writing, to keep matters confidential.
- The school will acknowledge your complaint in writing, within 5 school days of receiving it.
- All formal complaints relating to the school must be referred to the Head Teacher who can decide:
 - to investigate it themselves; or
 - delegate the investigation to a member of staff

The head may delegate the task of collating the information to one of the Senior Leadership Team but not the decision on the action to be taken.

The person investigating the complaint will;

- 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 further information is necessary);
- 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;
- keep notes of the interviews or arrange for an independent note taker to record minutes of the meetings.
- Produce a report containing findings on the complaint within 10 school days of receipt of your complaint.

You will receive a copy of this report and you will also be offered an opportunity to talk to the Head Teacher and / or to the investigating member of the Senior Leadership Team regarding the outcome of the investigation.

Stage 3 – Formal Procedure – complaint heard by Chair of Governors

If you are not satisfied with the way the school has handled the complaint, or with the response or where a complaint involves or relates to the Head Teacher or school policies, then the next stage is to contact the Chair of the Governing Body in writing.

The Chair of the Governing Body can be contacted as follows:

Name: Mrs Pam Heggie
Address: c/o Oxspring Primary School,

Sheffield Road
Oxspring
Sheffield
S36 8YW

Please mark the envelope “Private and confidential”

The Chair of Governors should acknowledge receipt of a written complaint within 5 school days of receipt, and inform the parent/carer of the procedure to be followed. The Chair of Governors may convene a panel of Governors to investigate the complaint. The Chair of Governors will investigate the complaint and should report the outcome of the investigation in writing within a further 15 school days. You and the Head Teacher may be invited to a meeting to discuss the report.

Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body as above. This will be dealt with as outlined in appendix 2.

Stage 4 – Formal Procedure – complaint heard by a Complaints Appeal Panel

If you are not satisfied with the outcome of the Head Teacher’s and / or Chair of Governors’ investigation, you may appeal to the Complaints Appeal Committee of the Governing Body. The governors’ appeal hearing is the last school-based stage of the complaints process.

You need to write to the Clerk to the Governing Board within 10 school days giving details of the complaint and asking that it is put before the Complaints Appeal Committee. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene the panel. If further time is required you should notify school of your intention to appeal within the stated 10 school day limit and a reasonable timescale may then be agreed for you to submit the specific details for the appeal.

Individual complaints would 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 appeal hearing is conducted as follows;

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school’s actions and be followed by the school’s witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.

- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties should hear from the panel within 5 school days.

The remit of the Complaints Appeal Panel

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.

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) within 5 school days. The letter needs to explain that the final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:
 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, SCU will examine if the school's complaints policy and any other relevant policies were followed in accordance with the provisions set out. 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.

Role of the Local Authority

Where a parent contacts the Local Authority regarding a complaint against a school they will be advised to request a copy of the School's Complaints Procedure from the school and either raise their concerns informally or submit a written complaint to the Head Teacher of the school. Where parental permission is given, notification of this contact will be sent by e-mail to the Head Teacher. Complaints about maintained schools not resolved by the school should be addressed to the Secretary of State for Education and not the Local Authority.

Role of Ofsted

Ofsted have the power to consider some complaints made in writing about schools. Such complaints can be made by parents or carers of children registered at a school.

Ofsted will not usually consider a complaint if the parent/carer has not first followed the School's complaints procedure.

Governing Body Review

The GB can monitor the level and nature of complaints, and review the outcomes on a regular basis to ensure the effectiveness of the procedure, making changes where necessary. Complaints information shared with the whole GB should not name individuals in case an appeal panel needs to be constituted.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance.

The frequency with which the school complaints policy must be reviewed is determined by the Governing Body. Reviews should also be considered in the event that new guidance or legislative changes are introduced by the Department for Education.

Appendix A – The Act

Section 29 of the Education Act 2002 requires that:

(1) The governing body of a maintained school in England 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 by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

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

“maintained nursery school” means a nursery school which is maintained by a local authority and is not a special school;

What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Signature

Signature of Parent/Carer _____

Date _____

School Action

Date received in school _____

Acknowledgement sent on: _____

by _____

Appendix 2

COMPLAINT ABOUT A SCHOOL GOVERNOR

Governors make a special and important contribution to the running of schools. They work hard, giving freely of their time, expertise and skills. However, from time to time, a Governor may act or be deemed to have acted in a way that is not in the best interests of the Governing Board or the school and, in doing so, may damage the reputation of the Governing Board. The Governor may be acting in good faith or be unaware of the consequences for his/her actions but, nevertheless, the Governing Board should take action.

Oxspring School Board has adopted a Code of Conduct for Governors, which clarifies what is expected of all governors, and each individual governor is required to sign this to say they have read and agreed to abide by it.

Complaints about the behaviour or actions of a Governor will be dealt with by the Chair of Governors. However, if the complaint is about the Chair of Governors, the Vice-Chair will lead the process.

Informal Stage

The Chair will discuss the difficulty or dispute with the governor concerned and, if possible, resolve the issue with whatever guidance, warning or rebuke is necessary. This may be done in the presence of the Head Teacher or another Governor.

Additional courses of action which may be considered include;

- A general training or information item for all Governors covering behaviour and conduct at a Governing Body meeting;
- The Chair can ask the clerk to refer to the relevant section of the Guide to the Law in a Governing Board meeting;
- Training for all Governors at a Governing Board meeting delivered by a governor;
- Training for all Governors at a Governing Board meeting delivered by a LA officer or from an external source;
- The individual Governor can be asked to attend an appropriate training course.

The Chair of Governors will keep a record of which steps are used in the event that the behaviour continues and results in a formal vote to suspend or remove the governor from office.

If the issue has not been resolved informally, or is thought to be sufficiently serious that the informal stage is inappropriate then the Formal Stage will be followed.

Formal Stage

- a) The Chair of Governors will meet with the Governor to clarify the extent of the behaviour or disagreement and the reasons for it, and produce an agreed summary in writing. The Governor will be given an opportunity to respond, and a reasonable time limit will be set. It may be possible to close the issue at this point with formal guidance, a warning or rebuke, either orally or in writing, depending on the seriousness of the issue.
- b) If the Chair of Governors is not satisfied with the response, then an investigation will be held. The Chair of Governors will appoint an Investigating Officer. This will be someone impartial and not involved in the difficulty or dispute in any way; it may be a member of staff, another Governor or someone not directly associated with the school.
- c) The Investigating Officer will then investigate the issue, taking evidence from ALL interested parties. As interviews are likely to be a part of this process another person will accompany the Investigating Officer. The investigation will be documented in full, including notes of interviews that should be checked back for accuracy with the interviewees. If a child is involved they will not be interviewed without their parent/carer also being present.

- d) The Investigating Officer will report back in writing to the Chair of Governors.
- e) The Chair of Governors will then decide on the appropriate course of action which could be;
 - Issuing guidance, warning or rebuke, either orally or in writing, depending on the seriousness of the issue;
 - Recommend that the Governing Body suspend the governor for a period of up to six months. Suspension can only be made if one or more of the prescribed grounds apply. (These grounds and the procedure for suspending a governor is set out in the Department for Education's Guide to the Law for School Governors);
 - Recommend that the governing body remove the governor from office. Removal from office can only happen/be applied in certain circumstances and to certain categories of governor. (Please see below).

Removal of Governors from Office

If, following the suspension of a governor, problems with the actions and behaviour relating to an individual Governor continue, in some circumstances governors may be removed from office. This is largely dependent upon the category of governor concerned and the basic principle is that a governor may be removed from office by the body that appointed them. Therefore, on the basis that the Governing Body appoints the following categories of Governor, accordingly, the Governing Body may remove them from office:

- Co-opted Governors.
- Parent Governors who have been appointed by the Governing Body.
- Any Sponsor Governors (Sponsor Governors may also be removed at the request of the nominating body).
- Associate Governors.

LA Governors may be removed from office by the person/body that appointed them.

NB It is important to note that;

- a) Parent Governors who have been elected by parents of pupils at the school may not be removed by the governing body;
- b) The Governing Body may not remove any Staff Governors.

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To be reviewed in May 2016