

Malbank School and Sixth Form College

Complaints Procedure

1. Introduction

1.1 This complaints procedure is made pursuant to s.29 of the Education Act 2002 which requires governing bodies of all maintained schools (including academies) and maintained nursery schools to have in place a procedure for dealing with all complaints relating to their school and to any community facilities or services that the school provides.

1.2 This policy is based on the Cheshire East Borough Council model complaints policy and procedure which has been produced by the Local Authority following consultation with Cheshire East Association of Primary Heads; Cheshire East Association of Secondary Heads; Cheshire East Association of Special School Heads; Cheshire East Association of Governing Bodies; Cheshire East school workforce Trade Unions; the Diocese Of Chester; and the Diocese of Shrewsbury.

1.3 This policy takes into account current Department for Education guidance.

1.4 All references to working days refer to days when the school is open to pupils and for staff training days.

1.5 The Governing Body will ensure a copy of the procedure is published on the school website and will also be available on request from the school office.

2. Scope of the Procedure

2.1 This policy can be used by you if you are a parent/carer of a registered pupil at the school or if you are a member of the wider community or a person representing an ex-pupil of the school. It does not apply to current staff members, or former members of school staff in any matter arising out of their employment at the school.

2.2 Where your complaint makes an allegation of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure at any time or following recommendations at the conclusion of the complaints process.

2.3 If your complaint is about any third party provider on the school site you will normally be expected to use their complaints procedure.

2.4 Complaints will normally be dealt with following the 4 stages set out below.

3. General Principles

3.1 All complaints will be dealt with in a transparent way and as quickly as is reasonably practical. You will be kept informed during the investigation of your complaint and of the outcome except where this is confidential e.g. in the case of a staff disciplinary process.

3.2 It is important that complaints are dealt with as expeditiously as possible. The school will normally expect you to raise your complaint within 12 term time calendar weeks of the event/matter complained of unless the Headteacher or Chair of Governors agrees there are exceptional reasons for not doing so. All correspondence to the school or governors should be by email or letter care of the school office and not to the home address of any governor.

3.3 The timescales for dealing with your complaint within this procedure will be adhered to as far as is reasonably practicable. Where this is not possible you will be informed, within the specified timescale, as to why this is the case, and given a revised timescale for dealing with your complaint.

3.3 The school has appointed a school's complaints co-ordinator whose role is to have responsibility for the operation and management of the school's complaints procedure. It is Mrs Edwards, the Assistant Headteacher.

3.4 The governing body recognises that complaints may provide helpful insights and feedback for the Headteacher and staff, as well as the governing body, and as such support improvement in processes and practice.

4. Resolving complaints

4.1 At each stage in the procedure school will want to consider the ways in which your complaint can be resolved which may include acknowledging that your 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.

4.2 At each stage you will be asked to state what action you feel might resolve the issue.

5. Vexatious complaints

5.1 The School defines vexatious complaints as follows:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious;
- Insistence upon pursuing complaints and/or unrealistic outcomes beyond all reason;
- Insistence upon pursuing complaints in an unreasonable manner;
- Complaints which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value.

5.2 The school may judge your complaint to be pursued in an ‘unreasonable manner’ where your frequency of contact with the school hinders the consideration of the complaint and/or impedes the ability of the Headteacher and school to meet the needs of all pupils equitably.

5.3 Where the Headteacher, and/or Chair of Governors, or other nominated governor judges a complaint to be frivolous or vexatious, having considered all the relevant circumstances, s/he will take such actions as they consider appropriate which may include rejecting the complaint and/or restricting contact between you and the school.

5.4 Any such decision will be communicated to you in writing with the reasons for it.

5.5 Where you seek to reopen a matter the same as, or similar to, a matter previously considered under the procedure the Chair of Governors has the right to inform you that the procedure has been exhausted and the matter is closed.

6. Stages of the Procedure

6.1 Many concerns and minor complaints can be resolved quickly and informally through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort will be made by the school to have a full discussion with you and resolve the issues informally before moving into the formal stages of this procedure.

Stage 1 (Informal) Initial concern

6.2. You should raise your concern/issue by appointment with the [class teacher/form tutor/person complained of] as soon as possible. The purpose of the meeting should be to establish the nature of the concern and to seek a realistic solution to the problem. The staff member may, if they consider it appropriate, or if so directed by their line manager/headteacher, refer you to a more senior or experienced member of staff who will try to resolve your concern informally. Where a particular member of staff (e.g. your child’s class teacher) is the subject of the complaint you may choose to have your concerns addressed by a different member of staff. [You should ask the school’s complaints co-ordinator to do this.]

6.3 If your concern is not resolved through such discussion you should seek an appointment with the headteacher or with a member of the senior leadership team, a deputy headteacher or assistant headteacher. The purpose of this meeting is to establish the nature of your ongoing concern and hopefully resolve it to your satisfaction. It is for the Headteacher to determine which staff members should attend any such meeting.

6.4 You should note that individual governors are unable to act on a complaint outside of the procedure set out in this document.

6.5 If initial attempts to resolve your issues informally are unsuccessful and you remain dissatisfied you may wish to invoke the formal complaints procedure set out below.

7. Stage 2 (formal) Complaint heard by the Headteacher/or senior member of staff

7.1 If you remain dissatisfied either with the way in which your concerns have been handled or your issue remains unresolved you may wish to ask the Headteacher/or senior member of staff, or an appropriate third party as decided by the Headteacher to hear your complaint.

7.2 The Headteacher/or senior member of staff may ask another member of staff to assist with collating information as part of the investigation but the decision on the action to be taken will be made by the Headteacher/senior member of staff.

7.3 Your complaint should be made in writing on the school's complaint form which you may download and print from the school website or obtain from and return to the school office addressed to the Headteacher or senior member of staff. (See appendix A.)

7.4 The Headteacher/senior member of staff, or other member of staff nominated by him/her, will contact you within 10 working days of receiving your complaint, or as soon as is reasonably practical to arrange a meeting with you at a mutually convenient time. You will be permitted to bring a friend or representative to you at this stage. Where necessary the Headteacher/senior member of staff, or other nominated member of staff, will carry out a full investigation into the issues raised. The Headteacher/senior member of staff will give a written response to you within 10 working days of this meeting or as soon as is reasonably practical thereafter. Where you decline the offer of a meeting this response will be made as soon as possible after you notify the school that you do not wish to meet. Normally this will be within 10 working days. Where you remain dissatisfied with this response, the complaint should move to the third stage of the procedure.

7.5 Where your complaint is against the head teacher, the chair of governors, another governor or the Governing Body as a whole, the complaint will move straight to the third stage of the procedure.

8. Stage 3 (formal) Complaint heard by the Chair of Governors/other Governor

8.1 If you are not satisfied with the response of the Headteacher/senior member of staff or where paragraph 7.5 applies with reference to the head teacher, you should write to the Chair of Governors. Complaints against the Chair of Governors or any individual governor should be made in writing to the Clerk to the Governing Body. You may write by letter or email via the school office. You must not contact individual governors at their home address.

8.2 The Chair/Vice Chair/nominated Governor should contact you within 10 working days to offer to meet with you as soon as possible to discuss your concerns.

8.3 The Chair/Vice Chair/nominated Governor will review the investigation and head teacher/senior member of staff decision and may confirm this decision or reach a different decision. The Governor may choose to reinvestigate the complaint in whole or

in part. The Governor may take advice initially from the Cheshire East Council Governance and Liaison Service, which may consult other LA officers.

8.4 Where paragraph 7.5 applies the Chair/Vice Chair/nominated Governor will conduct an investigation into the complaint. S/he should take appropriate advice in doing so.

8.5 The Chair/Vice Chair/nominated Governor will communicate his/her response in writing to you as soon as possible but, in any case, within 10 working days of the meeting referred to in paragraph 8.2. If this is not reasonably practicable, you will be informed in writing, with reason(s) for the delay.

8.6 Where you decline the offer of such a meeting the governor will inform you of the outcome of the investigation within 10 working days of your notification that you do not wish to meet or as soon as is reasonably practicable afterwards.

8.7 Where you are dissatisfied with this response the complaint should move to the appeal stage of the procedure.

9 Appeal to the Governing Body Stage

9.1 If you wish to appeal against the decision made at the formal stage you must indicate your intention to do so within 10 working days of receipt of the outcome of the formal stage.

9.2 You must do this by sending a written appeal to the Clerk to the Governing Body, either by letter or email. This should state the original complaint and your reasons for appealing the outcome of the previous stages.

9.3 A Governors' appeal panel will be convened, consisting of three Governors who, where possible, have had no previous involvement in consideration of the complaint. A complaints appeal meeting will be held in accordance with the procedure attached as Appendix B.

9.4 The meeting of the Governors' panel should take place as soon as possible, but in any case a date and time should be set and communicated to you within 20 working days of receipt of your request for an appeal. Every reasonable effort will be made by the clerk to agree the date and time with you. Normally the appeal hearing will take place at the school, but for practical reasons an alternative venue may be arranged by the Clerk. The Governors' decision will be communicated in writing to you as soon as possible but, in any case, within 5 working days of the meeting. The Panel can:

- Dismiss your complaint in whole or in part;
- Uphold your 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 happen again.

You will have no further right to appeal this decision within the school although you may be able to seek a review of the Governor's appeal panel in certain circumstances to the external bodies listed below.

10. Opportunities to Request a Review

Complaining to the Secretary of State

10.1 If you believe that the Governing Body has acted unreasonably you can complain in writing to the Secretary of State for Education. [Complaints to the Secretary of State regarding maintained schools are handled by the Department for Education. You should write to The Schools Complaints Unit (SCU) Department for Education, 2nd Floor, Piccadilly Gate, Manchester, M1 2WD.

Complaining to Ofsted

10.2 Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school.

Before complaining to an external body it would usually be expected that all stages of this procedure had been exhausted.

11. The Role of the Cheshire East Information Advice and Support Service

11.1 The Cheshire East Information, Advice & Support Service (CEIAS) helps parents/carers whose children have difficulties with learning, medical needs or mental health problems, from 0 to 25. The service is confidential and offers impartial advice and information to enable parents and carers to make decisions about their child's education. This includes supporting parents with complaints to schools or the Local Authority.

11.2 The service can help you consider what your complaint is about and the options available to you to resolve it, including more informal measures that can be explored in the first instance. If you wish, the service can explain how to put a letter/case together to take the matter forward. Someone from the service can attend meetings with you to offer support but will not speak on your behalf or make decisions for you. The service also offers support after meetings have taken place to consider the conclusions of the meeting and if you feel a satisfactory outcome was achieved. If not you may have further options to consider.

11.3 Contact details for the service are 03001235166

The Service can be contacted at:

CEIAS, Floor 4, c/o Municipal Buildings, Earle Street, Crewe, Cheshire CW1 2BJ

Adopted February 2018

Signed: _____ Headteacher

Signed: _____ Chair of Governors

Appendix A

Malbank School and Sixth Form College Complaints Form

Please complete and return to the Headteacher or Chair of Governors who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time 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)?**

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:

Follow-up

Following the resolution of any complaint the school will make contact the complainant to check that no new issues have occurred.

Appendix B

Conduct of Complaints Appeal Meetings

1. Although this procedure may appear formal, the hearing should be conducted in as informal a way as possible, and the Chair of the panel should make every effort to make all parties feel comfortable.
2. A suitable venue must be provided for the meeting which includes separate waiting areas for the two parties and refreshments for all involved.
3. 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.
4. 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.
5. The meeting should be minuted.
6. The meeting may be attended by:
 - the complainant, with a companion if desired (who cannot also be a witness);
 - the Headteacher and/or Chair of Governors, as appropriate, with an adviser if required;
 - the members of the Governors' Complaints Panel;
 - a minute taker, appointed by the governors;
 - an adviser to the Governors' Panel
7. 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.
8. 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 germane to the complaint.

9. 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.

10. The governors will select a Chair from amongst their number.

11. 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.

12. The complainant (or his/her companion) will outline his/her complaint and explain why s/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.

13. The Headteacher and the governors will have the opportunity to ask questions of the complainant.

14. 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

15. The complainant and the governors will have the opportunity to ask questions of the Headteacher and/or Chair of Governors.

16. 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.

17. The governors may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.

18. 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.

19. 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.

20. 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.