



Shirley Manor Primary Academy

“Working together to achieve excellence”

Complaints Procedure

2023-2025

Signed by:
Headteacher:

D. Lacey

Approved Date: Jan 2023

Chair of Governors:

Lyndsey Bon

Approved Date: Jan 2023

Policy Type: Recommended

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Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Shirley Manor Primary Academy about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Shirley Manor Primary Academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, Mrs Lacey will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, Mrs Lacey will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Shirley Manor Primary Academy will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the head teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

How to raise a concern or make a complaint

The majority of concerns from parents, carers and others are handled under the following general procedures.

The procedure is divided into three stages;

The informal stage aims to resolve the concern through informal contact at the appropriate level in school.

Stage one is the first formal stage at which written complaints are considered by the head teacher or the designated governor, who has special responsibility for dealing with complaints.

Stage two is the next stage once stage one has been worked through. It involves a complaints appeal panel of governors.

How each of these stages operates is explained below:

Informal stage – your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's class teacher.
2. Once your concern is made known to us, we will see you, or contact you by telephone or in writing, as soon as possible. If it is necessary, all members of staff know how to refer to the appropriate person with responsibility for your particular issues. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. Any actions or monitoring of the situation that has been agreed, will be communicated clearly and we will confirm this in writing to you.
4. If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.
5. We will normally update you on the progress of our enquiries within 10 school days. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further. If you feel that the teacher has not dealt with your concern you can approach our Key Stage leaders: Mrs Carnelley for Reception and Key Stage 1, Mrs Whitmore for Key Stage 2 or Mrs Whitmore for SEND. They will then endeavour to resolve your concern.
If your concern is of a child protection or personal nature then Mrs Lacey or Mrs Cooper would be happy to meet with you.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

Stage one - formal consideration of your complaint

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined above.

1. Normally, your written complaint should be addressed to the head teacher Mrs Lacey either in a letter or email office@shirleymanor.co.uk. If however, your complaint concerns the head teacher personally, it should be sent to the school marked "for the attention of the Chair of Governors either in a letter or email office@shirleymanor.co.uk
2. We will acknowledge your complaint in writing or email as soon as possible after receiving it.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond in full within 15 school days, but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The head teacher Mrs Lacey, or chair of governors may also be accompanied by a suitable person if they wish.
7. Following the meeting, the head teacher, investigating officer or chair of governors will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
8. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
10. The head teacher or chair of governors will keep written/typed, signed and dated records of all meetings.
11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give an explanation of the head teacher's or chair of governors' decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point. Please see the next page for further information about this process.
13. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to stage two, as described below.

Stage two - consideration by a governors appeal panel

- If the complaint has already been through stage one and you are not happy with the outcome as a result of the way in which the complaint has been handled, you can take it further to a governors' appeal panel. This is a formal process, and the ultimate recourse at school level.
- The purpose of this arrangement is to give you the chance to present your arguments in front of a panel of governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.
- **However, the aim of a panel is not to rehear the complaint.** It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations which will reassure you that we have taken the complaint seriously.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 15 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The governors' appeal panel operates according to the following formal procedures:

1. The governing body will convene a panel of three governors and will aim to arrange for the panel meeting to take place within **20 school days from the acknowledgment of the complaint by the Clerk** but if this is not possible we will write to explain the reason for the delay.
 2. You will be asked whether you wish to provide any further written documentation in support of your appeal.
 3. The head teacher or complaint investigator will be asked to prepare a pack of the documentation related to the investigation and the outcome for the panel. The panel can request additional information from other sources if necessary.
 4. You will be informed by the Clerk, at least **five school days** in advance, of the date, time and place of the meeting. We hope you will feel comfortable with the meeting taking place in the school but we will do what we can to make alternative arrangements if you prefer.
- If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
5. With the letter, you will receive any relevant correspondence or reports regarding stage one and you will be asked whether you wish to submit further written evidence to the panel. Any additional documentation should be submitted prior to the review panel meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

6. The letter will explain what will happen at the panel meeting and that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.

Representatives from the media are not permitted to attend.

7. If it is necessary in the interests of the ratifying the investigative process, the complaint investigator may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting.

8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.

9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.

10. The chair of the panel will ensure that the meeting is properly minuted. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy as the minutes are the property of the governing body. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.

11. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes.

12. During the meeting, you can expect there to be opportunities for:

- the panel to hear you explain your case and your argument for why it should be heard at stage two;
- the panel to hear the complaint investigator's case in response;
- you to raise questions via the chair;
- you to be questioned by the complaint investigator through the chair;
- the panel members to be able to question you and the complaint investigator; and
- you and the head teacher/complaint investigator to make a final statement.

13. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the head teacher **within three school days** but if this is not possible we will write to explain the reason for the delay. All participants other than the panel and the clerk will then leave.

14. The panel will then consider the complaint and all the evidence presented in order to:

- reach a unanimous, or at least a majority, decision on the case;
- decide on the appropriate action to be taken, if necessary; and
- recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.

15. The clerk will send you and the head teacher a letter outlining the decision of the panel.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Shirley Manor Primary Academy.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

16. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Shirley Manor Primary Academy. They will consider whether Shirley Manor Primary Academy has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Closure of complaints

- Very occasionally, a school and/or the LA will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.
- We, and the LA where appropriate, will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- If a complainant persists in making representations to the school – to the head teacher, designated governor, chair of governors or anyone else – or to the LA, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
- For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process. The LA will support us in this position, and especially where the complainant's action is causing distress to staff and/or pupils.
- In exceptional circumstances, closure may occur before a complaint has reached stage two of the procedures described in this document. This is because a complaints panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of investigating the complaint.

The chair of governors may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward.

Where you have been through the school's internal complaints procedures (with or without recourse to a complaints review panel) and are still unhappy with the outcome or decision from the governing body, you can contact the Secretary of State for Education via the DfE website www.education.gov.uk, by telephoning 0370 000 2288 or by writing to the address below:

The School Complaints Unit (SCU)
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Please enclose with your letter to the DfE a copy of the complaint outcome. This will save time in that the DfE will not need to ask for our view of what has happened.

We would advise parents that, unless the school is shown to have behaved unreasonably or not to have followed their own procedures, there is likely to be little further action that can be taken, as governing bodies are empowered to deal with many issues without reference to either the local authority or the secretary of state.