



Phoenix Arch School

Complaints and Procedures

September 2020

Phoenix Arch School wants its pupils to do well and feel happy at school. It has the intention that the service provided by the school to the children and their parents/carers shall be such, that serious causes for complaint occur very rarely.

Nevertheless, it is recognised that, on occasions, concerns or difficulties may arise. All complaints will be investigated fully, fairly and carefully and as quickly as possible. By taking such matters seriously, the school aims to develop a harmonious relationship with parents/carers.

This document sets out the complaints procedure which may be used by parents/carers and other service users. The procedure covers all matters relating to the life of the school, except exclusions, special educational needs and child protection for the following reasons:

- Pupil exclusions are subject to a separate form of representation and appeals.
- The local authority has responsibility for assessing pupils requiring statements. Parents may appeal to a tribunal, independent of both the local authority and the School, as there are separate statutory arrangements for them.
- Child protection matters are also handled by the local authority and complaints on these must be directed to it.
- If the complaint is about a matter relating to the hiring of part of the School's premises, it should firstly be dealt with by the Bursar. If the complaint is not resolved, the Complainant should proceed to Stage 3 below.

Guidance

If any concerns are raised with the School, this guidance should be followed:

- Concerns should be raised with the School as soon as possible so that they can be investigated properly. When problems or concerns arise there should be informal communication to resolve the issues.
- A formal complaints procedure is only used when the Complainant is dissatisfied with the outcome and wants further steps taken.
- The School will do its utmost to guarantee the confidentiality of any Complainant and the substance of their complaint. The School will respect the views of a person who indicates that he/she would have difficulty discussing a matter with a particular member of staff.

Similarly, if a member of staff directly involved feels compromised, then the matter may be referred to another member of staff to deal with it.

The arrangements

The arrangements for dealing with complaints are simple and include the following:

- Criticisms and concerns are handled informally by school staff and the Head Teacher, in the first instance, ie: not as formal complaints.
- Formal complaints are made in writing.
- Formal complaints are looked into as swiftly as possible and the Complainant kept fully informed throughout all stages, preferably in writing.
- The Complainant will receive a formal response, in writing, once the investigation is complete.
- For complaints that are not resolved informally, ie: at Stages 1 or 2 (see below), a complaints form will be available for the Complainant's use, but if he/she prefers to make the written complaint in another way this will be respected.

- The School will keep a log book of all complaints that reach Stage 3 of this process, listing the name of the Complainant, date received, who dealt with it, date of response and action taken.

If, in the course of an investigation, the Governing Body considers that disciplinary action should be taken against a member of staff, disciplinary proceedings will be initiated.

Stage 1 – Informal complaint to class teacher

It is in everyone's interest that complaints are resolved at the earliest possible stage.

If parents/carers have a concern or problem, the first port of call is a meeting with the Class Teacher. This is, more often than not, likely to resolve most problems.

If the member of staff directly involved feels too compromised to deal with a complaint, the complaint may be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

A record of the meeting and any agreed action to resolve the concern will be kept on file by the Class Teacher. Depending on the nature and seriousness of the complaint, a copy may be kept on the main pupil file and given to any other interested parties, eg: SENCO, member of the Senior Leadership Team.

If the problem is resolved, no further action is necessary.

Stage 2 – Informal complaint to Deputy Head teacher

A problem that is not resolved at Stage 1 will be referred to the Assistant or Deputy Head Teacher. It will be dealt with as soon as possible and no later than within five school days where practicable.

A record of the meeting and any agreed action to resolve the concern will be kept on file by the Deputy Head Teacher. Depending on the nature and seriousness of the complaint, a copy may be kept on the main pupil file and given to any other interested parties, eg: SENCO, member of the Senior Leadership Team.

If the problem is resolved, no further action is necessary.

Stage 3 – Making a formal complaint to the Head Teacher

When a problem has not been resolved informally at either Stages 1 or 2, parents/carers may then make a formal complaint to the Head Teacher, in writing. (The Complainant should obtain a Formal Complaint Form from Bursar.) It will be dealt with as soon as possible and no later than within five school days where practicable.

If the complaint is resolved, no further action is necessary.

Stage 4 – Making a formal complaint to the Chair of Governors

Where a complaint is of a serious nature and has not been resolved at either Stages 1, 2 or 3, the Complainant should write to the Chair of the Governing Body to request that their complaint

is further considered. (If the unresolved complaint relates to the hiring of part of the School's premises, the Complainant will be directed to the Chair of the Premises Committee.) The Chair will acknowledge receipt of the complaint within one week, and deal with the complaint within 15 working days where practicable. In the case of a complaint, The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a Governing Body complaints panel.

The Chair will offer the Complainant and Respondent the opportunity to make their cases, orally and/or in writing, receiving any supplementary information that is relevant to the case and decide on what to do.

The Chair will then inform both parties of the outcome, giving explanations of why a particular course of action was adopted.

Stage 5 – Complaint heard by Governing Bodies complaints panel

If the Complainant is still not satisfied, he/she will be asked to put the complaint in writing formally to the Governing Body (for the attention of the Clerk) and for consideration by a Complaints Panel. It is possible that, at this stage, the complaint will be different from the original one, as it would include dissatisfaction with the action taken by the Head Teacher and Chair of Governors in handling the original perceived problem.

The Clerk to the Governors will be responsible for convening the Complaints Panel and for making the arrangements for any hearing. The Panel will consist of three Governors – none of whom will have had any prior involvement with the complaint. The Panel convened to hear the complaint will comprise of the same Governors throughout, in the event of more than one session being required. The Panel will elect its own Chair. The Complaints Panel will convene within 15 school days of receipt of the complaint, or as soon as practicable thereafter.

Procedure for formal complaint hearing

Written evidence will be circulated to both parties and members of the Panel at least three school days before the meeting.

At the hearing, the parties concerned may be accompanied, if they so wish, by a friend or representative who may speak on their behalf. A representative from the local authority may attend the meeting at the request of either side in an advisory capacity. In presenting their case, each party may call witnesses who can be questioned by the other side and members of the Panel.

The Complainant, his/her Representative and the Head Teacher shall appear before the Panel at the same time and must be present for the whole of the proceedings, except when the Panel wishes to confer or consider its decision. Any advice consisting of a legal definition or professional interpretation should be given in the presence of all parties.

The hearing will be clerked by the Clerk to the Governing Body or an independent mediator, with support from an officer from Brent Council's Legal Services, if necessary.

The procedure will be as follows.

- Introductions by the Chair of the Panel, as well as explanation of the procedure and the remit of the Panel.
- The Complainant, or his/her Representative, makes a statement of the complaint and background, and calls witnesses if required.

- Questions to the Complainant, or his/her Representative, by the Head Teacher/Chair of Governors and the Panel.
- The Head Teacher makes a statement and calls witnesses if required.
- Questions to the Head Teacher by the Complainant, or his/her representative, and the Panel.
- The Head Teacher makes a final statement.
- The Complainant, or his/her Representative makes a final statement.
- The Chair of the Panel sums up.

The panel's decision

Interested parties will be asked to withdraw whilst the Panel reaches a decision. If the Panel is unable to make an immediate decision because, for example, they require further information or legal advice, they must let the parties know immediately and confirm the position in writing within three school days.

When making their decision on the complaint, the Panel will apply the following test:

1. Is there a genuine complaint?
2. In all the circumstances, should the complaint be upheld?

If yes:

3. What should the Panel do to effectively remedy the complaint and give the Complainant?

Redress?

4. The decision will be made by a simple majority of the Panel.

The remit of the Complaints Panel is to:

1. Dismiss the complaint in whole, or in part;
2. Uphold the complaint in whole, or in part;
3. Make recommendations or decide, where it has appropriate remit, to take the appropriate action to resolve the complaint;
4. Recommend changes to the School's systems or procedures to ensure that problems of a similar nature do not recur.

The Chair of the panel will ensure that both parties will be notified of the panel's decision no later than five school days after the hearing, including measures that direct to the school where it is culpable in any way to take remedial measures.

The decision of the Complaints Panel will be binding on the Head Teacher, Chair of Governors and the School.

In order to secure natural justice, should an investigation into a complaint lead to disciplining a member of staff, all those involved in the investigation and/or hearing, will not participate in the disciplinary action that may follow.

Vexatious or frivolous complaints

A complaint may be deemed vexatious if the Complainant will not listen to any opinion, other than their own and/or refuses to co-operate with proposed solutions. Such a complaint will be dismissed. A complaint may be deemed inappropriate if it is petty or frivolous, and will be dismissed at an early stage. Dismissal of complaints in such cases will be by way of a letter from the Chair of Governors, giving reasons for the dismissal.

If the Complainant is still dissatisfied with the decision of the Panel, he/she can write to:

The School Complaints Unit (SCU)

Department for Education

2nd Floor, Piccadilly Gate

Manchester , M1 2WD

Complaint form

Please complete and return to the Head Teacher 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:
Day time telephone number:
Evening telephone number:
Please give written 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: