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Yorkshire Collaborative  
Academy Trust

## **ASKWITH PRIMARY SCHOOL COMPLAINTS PROCEDURE**

### **INTRODUCTION**

Askwith Primary School aims to provide an outstanding service to the young people and families it serves. The school is committed to working in partnership with students and parents to ensure it continues to improve and takes account of the views of its stakeholders.

The purpose of this document is to outline how parental concerns or complaints should be addressed and resolved.

This policy and accompanying procedures are based on the North Yorkshire County Council model but have been adapted to meet the responsibilities of being a Multi Academy Trust. A full copy of this policy and procedures can be obtained via the school website.

### **GENERAL PRINCIPLES**

#### Concerns and Complaints

There is a difference between a concern and a formal complaint. Dealing with parental concerns at the earliest stage will reduce the numbers that develop into formal complaints. The underlying principle is that concerns ought to be handled, if possible, without the need to implement the formal complaints procedures.

The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the Class teachers will receive the first approach. Staff should, wherever possible, be encouraged and able to resolve issues. In some cases parents may write to make a formal complaint.

The formal complaints procedure will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The complaint should be made to the Headteacher who may delegate resolving the complaint to a member of the Senior Leadership Team. If the complaint is regarding the Headteacher, the complaint should be made to the Chair of Governors via the Clerk to the Governing Body at the school address.

Anonymous complaints will not be investigated unless they refer to safeguarding issues or other criminal activity.



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### Principle Framework

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised.
- Be simple to understand and use.
- Be impartial and non-adversarial.
- Allow swift handling with established time-limits for action and keeping people informed of the progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all points at issue and provide an effective response and appropriate redress, where necessary.

### Resolving Complaints

At each stage in the procedure all parties need to consider ways in which the complaint can be resolved.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage.

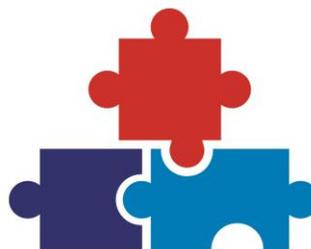
An admission that the school could have handled the situation better or differently is not the same as an admission of negligence or wrongdoing.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this will encourage a positive atmosphere in which to discuss any outstanding issues.

### Unresolved Complaints

Correctly followed, the complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been exhausted, the complainant remains dissatisfied. In that case, the Chair of the Governing Body will inform the complainant in writing that the available procedures have been exhausted and any further complaint lays with the Education Funding Agency and the Secretary of State for Education.

If the complainant has exhausted all avenues of appeal and tries to reopen the same issue, the Chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.



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### Time Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible, and there are realistic time limits for each action within each stage. The time limits are as follows:

1. Letter of concern received by either the school, Headteacher or Chair of Governors. An initial response within 5 working days - which will set out a realistic timeframe to investigate the matter fully
2. Complainant received an acknowledgement letter. Within 15 working days
3. Complainant received written response. If they are satisfied the concern is concluded. If they are still dissatisfied they should contact the Chair of Governors c/o the school address. Within 5 working days
4. The Chair of Governors will acknowledge the complaint and resend the complainant the complaints procedures. Within 20 working days of receipt of complaint
5. Complaints Review Committee (CRC) will meet to review and consider all the evidence/information.
6. Within 10 working days of the CRC Complainant will have received a written response. All communication to the complainant will be sent by 'signed for' recorded delivery.

### **PROCEDURES**

There are 2 stages in the Askwith Primary School's Concerns and Complaints Procedure:

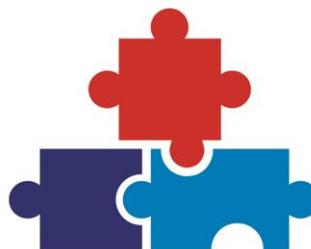
1. A concern
2. A formal written complaint

The person responsible for each stage of the concerns and complaints procedure (The Headteacher, member of the Senior Leadership Team, Chair of Governors or Chair of the CRC) will ensure wherever practicable that the time limits are adhered to. The complainant is entitled to expect adherence to this timetable unless the delay is caused by the complainant themselves or unforeseen circumstances beyond the school's control.

The school will respect the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff.

Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the Headteacher may refer the complainant to another senior member of staff. The ability to consider the complaint objectively and impartially is the crucial factor.

Where the complainant's first approach is made to a governor on any issue of complaint, the governor will refer the complainant to the Headteacher (unless the complaint is about the Headteacher, when it would be referred to the Chair of Governors) and advise the complainant about the procedures to follow. The governor should then



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inform the Chair of Governors of the initial approach. Governors must not act unilaterally on an individual complaint outside the formal procedures.

If after stage 1, the complainant remains dissatisfied with the outcome, stage 2 (a referral to the CRC) can be instigated. In this case the complainant should write to the Chair of Governors who will resend them a copy of the procedures.

The Governing Body will nominate certain governors with delegated powers to hear complaints. The CRC panel will be drawn from the nominated members and will consist of a maximum of three, who will choose their own Chair from amongst them. One of the members will be fully independent of the school and the academy trust.

The remit, roles and responsibilities of the CRC are set out in Appendix 1, together with a checklist for a panel hearing.

Individual complaints are not heard by the whole of the governing body at any stage, as this could compromise the impartiality of any panel.

#### Managing & Recording Complaints

Publicising the policy - There is a legal requirement for the Concerns & Complaints Policy & Procedures to be publicised.

Details of the Concerns & Complaints Policy will be referred to on the school website, under school policies.

#### Governing Body Review

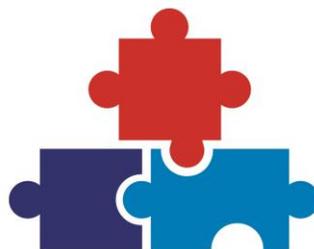
The governing body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make any changes where necessary. Complaints information shared with the whole governing body will not name individuals.

#### Communicating with the Governing Body

It is strongly recommended that letters of complaint and associated documentation are sent to the Chair of the Governing Body, care of Askwith Primary School, by recorded delivery or special delivery post.

#### Recording Complaints

The Clerk to the Governing Body will ensure that the progress of formal complaints and the final outcomes are recorded.



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## APPENDIX 1

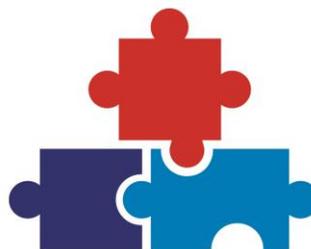
### Complaints Review Committee: Remit, Roles & Responsibilities

Remit - 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.

There are several points that any member sitting on a CRC panel needs to remember:

1. It is important that the complaints review hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if he or she has had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of governors and sensitive to the issues of race, gender and religious affiliation.
2. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in the complainant's favour. It may sometimes be possible only to establish the facts and to make recommendations that will satisfy the complainant that his or her complaint has been taken seriously.
3. An effective panel will acknowledge that all parties may feel apprehensive in such a setting. The panel Chair will ensure that the proceedings are welcoming whilst recognising the rights of all parties.
4. The governors/members sitting on the panel must be aware of the complaints procedures.



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The role of the Chair of the Governing Body or the Nominated Governor will:

1. Check that the correct procedure has so far been followed by the Headteacher and the Complainant.
2. If procedures have been followed to date, the Chair will notify the Clerk to contact governors to arrange a meeting of the CRC to consider the complaint.

The role of the Clerk will:

1. Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
2. Collate any written material and send it to the parties in advance of the hearing.
3. Meet and welcome the parties as they arrive at the hearing.
4. Record the proceedings.
5. Notify all parties of the panel's decision.

The role of the Chair of the Panel will ensure that:

1. The considerations and findings of the CRC are recorded by a Clerk or suitably qualified person.
2. The Clerk provides members of the CRC with copies of all documents relating to the complaint at least 48 hours before the meeting.
3. The remit of the panel is explained to the parties and each party has the opportunity of putting its case without undue interruption.
4. The issues are addressed.
5. Key findings of fact are made.
6. Parents and others who may not be used to speaking at such a hearing are put at ease.
7. The hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
8. The panel is open minded and acting independently.
9. No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedures.
10. Each side is given the opportunity to state its case and ask questions.
11. Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

#### **Notification of the CRC's decision:**

The Chair of the CRC panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's reasoned response, within the set deadline publicised in the complaints procedures. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

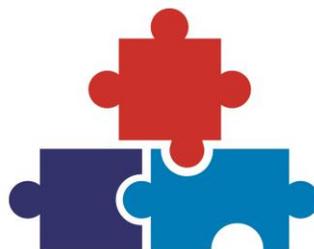


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**Checklist for a CRC Panel Hearing:**

The panel will ensure that:

1. The hearing respects the rights of all parties.
2. Witnesses are only required to attend for the part of the hearing in which they give their evidence.
3. After introductions, the complainant is invited to explain the complaint, and be followed by any witnesses.
4. The Headteacher may question both the complainant and the witnesses after each has spoken.
5. The Headteacher is then invited to explain the school's actions and be followed by any witnesses.
6. The complainant may question both the Headteacher and the witnesses after each has spoken.
7. The panel may ask questions at any point.
8. The complainant is then invited to sum up the complaint.
9. The Headteacher is then invited to sum up the school's actions and response to the complaint.
10. The Chair explains that both parties will hear from the panel within a set time scale.
11. Both parties leave together while the panel decides on the issues raised.



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## APPENDIX 2

### PARENTS GUIDE:

#### **What do I do if I have a concern or complaint about the school?**

It is important that you raise this with the school as soon as possible. Set out below are the steps you should take.

#### **What to do first?**

Most concerns can be sorted out quickly by speaking with your child's Class teacher. Contact the school, if the Class teacher is unable to speak to you immediately, you will be contacted within 24 hours of your call. The Class teacher will arrange a meeting if you both think that this is the best way forward. Most concerns are resolved quickly, once the Class teacher has a clear understanding of your concerns and has had the opportunity to investigate them and identify appropriate solutions.

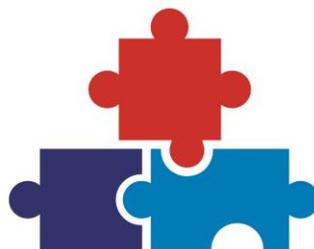
If you remain concerned having spoken with your child's Class teacher, you may wish to contact the Headteacher. The Headteacher may well ask a member of the Senior Leadership Team to look into your concern and report back to you directly. The Headteacher will always be kept fully informed of any such concerns being dealt with in this way.

#### **If you are still concerned**

If you are still not satisfied, you may wish to make a formal complaint to the Chair of the Governing Body of the school. It is strongly recommended that the letter of complaint and any associated documentation are sent to the Chair of Governors, care of the Clerk to the Governing Body, addressed to the school by recorded delivery. You will receive an initial written acknowledgement letter within 5 working days of receipt of your complaint, outlining a realistic timeframe for the matter to be investigated further.

If the Chair of Governors is satisfied that your complaint has been through all the appropriate prior procedures, a meeting of the Complaints Review Committee (CRC) will then be convened within 20 working days from receipt of your initial letter to the Chair. Your complaint will then be heard by a panel of 3, 2 governors and a completely independent person not connected in any way to the school or the academy trust. The members of the panel will have had no prior involvement in the case and will therefore be able to make a fresh, unbiased assessment. You will be invited to attend the committee meeting.

The Headteacher and any representatives of the school involved in the matter will also be in attendance.

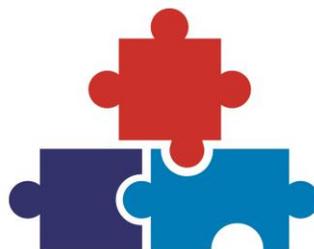


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You will receive a written response with the CRC panel findings within 10 working days of the meeting.

**Is there any further action I can take?**

Complaints about school problems are usually settled within the school but in exceptional circumstances it may be necessary to refer the matter to an outside body such as the Secretary of State for Education. Information regarding complaining to the Secretary of State is contained in Appendix 3.



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### APPENDIX 3

#### **Complaints to the Education Funding Agency/Secretary of State - Academies**

The Secretary of State will consider complaints similar to those made about maintained schools and may include where:

1. There has been undue delay, or the complaints procedure does not comply with statutory requirements, or has not been followed.
2. There is a breach of the funding agreement.
3. A statutory duty has not been met.

The Secretary of State is not required to intervene in every case that is brought to his attention but he must always consider whether, in light of the information provided to him by a complainant, he should exercise his powers.

The Secretary of State cannot intervene just because he would have made a different decision to that of the school and will only do so where he is of the view that there is some practical value or worth or purpose to be served in doing so.

The Secretary of State may consider other options of intervention to help you to resolve a complaint if appropriate.

#### **Sending your Complaint**

When making a complaint you should provide copies of any documentation you have about the complaint. This will help to investigate your case.

You can send your complaint through our online form, or by post, or by email.

If we believe that your complaint should be dealt with by another organisation or department, we will ask your permission to send your complaint to the relevant body. Complaints relating to academies will be handled by the Education Funding Agency (EFA) as part of the Department. Complaints that concern a child with special educational needs (SEN) will be handled by the specialist SEN team.