

Appendix G

Appeals and Complaints Procedures

Introduction

Any complaint about a SIAMS inspection is a serious matter which the Church of England takes seriously. We expect all inspectors to carry out their work to a high standard but recognise that, occasionally, concerns may arise about the outcomes or the conduct of inspectors. There are two types of concern that schools can raise regarding an inspection:

1. If the school thinks the inspection outcome is unfair or does not accurately reflect the school, it should follow the **appeals procedure**. An appeal is a request from the school that the inspection outcome should be reviewed because it is believed to be unfair.
2. If the school is unhappy with the inspection experience because of the conduct of the inspector, the school should follow the **complaints procedure**. A complaint is a concern raised by the school regarding their dissatisfaction with the conduct or behaviour of the inspector.

Schools may wish to raise an appeal and a complaint with regard to the same inspection. If this is the case, the appeals process and issues connected with the inspection's outcome should take precedence and be addressed first.

A complaint against an inspector will not affect the inspection outcome. If the school feels the inspection outcome was affected by the inspector's conduct the appeals procedure should be followed as well as the complaints procedure.

No school raising an appeal or a complaint under these procedures, whether successfully or otherwise, will be treated less favourably than would have been the case had an appeal or complaint not been submitted.

Inspectors are expected to follow the Code of Practice which states they should carry out inspections and conduct themselves in a professional manner, demonstrating integrity, objectivity, courtesy, sensitivity and clarity. The diocese and inspector have every right to expect that schools will act in the same professional manner.

This Appeals and Complaints Procedure applies only to inspectors who are accredited/appointed by the Education Office.



At the end of the SIAMS inspection the inspector will ask the school two questions on a feedback form:

1. Does the school consider the outcomes to be fair?

If the school answers this question negatively the appeals procedure should be followed by the school and the diocese. It is important to be aware that following an appeal may result in a higher or a lower outcome for the school in one or more of the areas inspected.

2. Does the school consider the inspection to have been conducted in a professional and appropriate manner?

If the school answers this question negatively, feel they cannot answer, or if they raise a concern regarding the inspector's conduct with the diocese within 10 working days from the date on which the school receives the report for factual checking, the complaints procedure should be followed by the school and the diocese.

Guidance on conducting inspections requires the inspector to maintain a dialogue with the headteacher and senior leaders. An inspector should seek to resolve any complaint or concern during the inspection where possible. In particular, a mid-inspection update meeting and a summative briefing of the headteacher prior to the final feedback are designed to ensure that the headteacher is aware of how grades are emerging and has opportunities to offer further evidence. As with all meetings in the course of the inspection, the inspector must maintain a written record of the meeting/briefing.

The inspector is expected to check if there are any concerns about the management of the inspection in order that any concerns of this nature might be promptly resolved. These conversations should always be recorded in writing.

The aim is always to resolve any issue at the lowest possible level.



Appeals Procedure – Dissatisfaction with inspection outcome

Step One

In the event that any issues raised by the school have not been resolved during the course of the inspection the school can raise the issue with the inspector by answering 'no' to the question 'does the school consider the outcomes to be fair?' on the feedback form. The inspector may reconsider the evidence or consider any new evidence not already taken into account, but this must be presented to the inspector before they have left the school on the day of inspection.

If the school and the inspector cannot resolve the concern during the inspection day and the report writing process and the school still has concerns at the point of the factual check, the headteacher or the governing body must contact the diocese and put in writing what it considers to be inaccurate and why. This can be done at any point after the inspection and up until 10 working days after receipt of the report from the inspector for the final accuracy check.

The diocese must confirm receipt of the appeal within 5 working days. The diocese should also inform the School Character and SIAMS Development Manager in the Education Office (or such person that the Chief Education Officer shall appoint if the post is vacant, the post holder is absent for an extended period or the School Character and SIAMS Development Manager has a connection to the school) that the inspection is subject to an appeal.

Step Two

Within 15 working days of receipt of the appeal the diocese's lead officer for SIAMS (or another appropriate person if the SIAMS manager does not have inspection experience or has a connection to the school), should visit the school to listen to the school's concerns. The purpose of this visit is to listen, explain and gather information. Quite often appeals reflect a misunderstanding of the SIAMS process and further discussion can lead to a resolution that all are happy with. At the end of the visit the lead officer should ask if the school wishes to pursue the appeal or not. The diocese may ask the inspector to reflect on the report after listening to the school's concerns.

If this does not resolve the situation within 5 working days the diocese should notify the Education Office in writing that the report is now subject to an appeal. The diocese should request the inspector's evidence base. The inspection is now considered an 'unfinished inspection'.

Step Three

The Education Office will appoint an adjudicator (from its list of adjudicators), who should come from another diocese and who has had no connection with the school concerned, to consider the evidence base and the school's grounds for appeal.



The Education Office will respond to the diocese within 10 days of notification of the appeal giving the name of the adjudicator, appropriate timescales for completion and the fee to be paid. This will vary depending upon whether the school is appealing the overall judgement or only part of the judgement, for example RE or Collective Worship.

At that point the diocese should arrange for a copy of the school's appeal and the evidence base supplied by the inspector, including the PIP and the SEF to be sent to the adjudicator. The diocese should make and retain a copy of the appeal and the evidence base for further reference. This should however be destroyed no more than six months after the appeal case has been settled.

The inspector should also be sent a copy of the school's appeal and should be asked for their comments in writing by the Education Office.

The adjudicator should make a phone call but only to clarify the grounds of the appeal. They should take no further evidence at this point and do not seek to give any answers. The school is not allowed add to the appeal. (The school should be made aware that this conversation is for clarification purposes and in it the adjudicator should be careful not to give a judgement. It is not the adjudicator's role to make wider comments or recommendations about the school or the inspector's practice). The adjudicator should keep notes of the conversation and, in the event that additional information is provided orally should also speak with the inspector and seek their comments on the additional information provided. The letter giving the outcome of the adjudication should refer to both conversations.

The only matters considered by the adjudicator in carrying out their review will be the appeal and the evidence base, the content of any clarificatory conversation with the school and any comments from the inspector on the contents of the school's appeal and conversation with the adjudicator.

If a school is only challenging one judgement within the report, then only that judgement is subject to adjudication and the adjudicator should not consider the other judgement/s.

The adjudicator will make a recommendation to the Education Office who will inform the diocese. The diocese will require the inspector to amend the report to reflect the adjudication. The diocese will be responsible for paying the fee.

Step Four

If the school remains dissatisfied following step three it must notify the diocese in writing within 10 working days. On receipt the diocese must forward the notification from the school to the School Character and SIAMS Development Manager at the Education Office (or such person that the Chief Education Officer shall appoint if the post is vacant, the post holder is absent for an extended period or the School Character and SIAMS Development Manager has a connection to the school) within 3 working days.



The School Character and SIAMS Development Manager will review the inspection evidence and adjudicator's findings within 10 working days from the date of receipt and will either:

- Uphold the original findings of the inspection
- Decide that the original findings of the inspection should be over-ruled and that the report must be amended to reflect this (Please note that an appeal may result in either a higher or a lower outcome for the school in one or more of the areas inspected).
- The Education Office requires that the school should be re-inspected. (Please note that only the Education Office can authorise a reinspection).

The decision of the School Character and SIAMS Development Manager will be final.



Complaints Procedure – Dissatisfaction with the Inspector’s conduct

At the end of the final feedback session the inspector will ask the school if they consider the inspection to have been conducted in a professional and appropriate manner. If the school is not happy with the conduct of the inspector they should contact the diocese no later than 10 working days of receiving the report for the factual check. The school is not precluded from raising a concern about the inspector’s conduct even if the school has answered ‘yes’ to the question from the inspector.

Step One

The school must contact the diocese to raise their complaint by email, letter or telephone. If the school initially raises the complaint by telephone the school must also put the complaint in writing and send/email this to the diocese. The diocese must confirm receipt of the complaint within 5 working days.

Within 3 working days of receipt the diocese’s lead officer for SIAMS must contact the inspector concerned and inform them of the situation.

The diocese’s lead officer for SIAMS (or another appropriate person if the SIAMS manager does not have inspection experience or has a connection to the school), will, within 10 days of receipt of the complaint from the school, appoint an appropriate person, to carry out an investigation into the complaint (‘the investigator’). The diocese must cover the cost of the investigation. The investigator should come from a different diocese and have no connection either with the school or the inspector.

The investigator must refer to the *Code of Practice for SIAMS Inspectors* and, within 10 days of appointment, begin to gather written and/or oral evidence from both the school and the inspector. This might include, but is not limited to, interviews with school staff and other adults involved in the inspection. Within 15 days of appointment the investigator will produce a short report summarising the evidence and, on the basis of that evidence either:

- Dismiss the complaint (with the effect that no further action is taken but the school and inspector must be informed)
- Uphold the complaint (in which case there will be an apology from the diocese to the school)
- Partially uphold the complaint (in which case there will be an apology from the diocese to the school in relation to that part of the complaint that has been upheld)

In the event that the inspector has refused to communicate with the inspector or has not done so in a timely way, the investigator should proceed to produce the report within the timescales specified above, making clear that there has been no input from the inspector.



The diocese's lead officer for SIAMS will need to decide within 3 working days whether the conduct of the inspector has potentially compromised the outcomes of the inspection. If they conclude that it has done so the diocese will declare the inspection to be an 'unfinished inspection'. The diocese should inform the school of the position in writing within 3 working days and copy this communication to the Education Office and to the inspector.

In the event that the inspection is declared unfinished the Education Office will require a re-inspection.

The inspector has a right to appeal against the decision to consider the inspection to be unfinished to the School Character and SIAMS Development Manager at the Education Office who may review the diocesan decision.

Step Two

If the school or the inspector is dissatisfied with the outcome of Step One they must notify the diocese and the School Character and SIAMS Development Manager at the Education Office. The School Character and SIAMS Development Manager (or such person that the Chief Education Officer shall appoint if the post is vacant or the post holder is absent for an extended period) will review the evidence gathered in the diocesan investigation and determine whether the inspector did or did not breach the *Code of Practice for SIAMS Inspectors* and whether the breach:

- a) was material or trivial
- b) was deliberate or accidental
- c) represents a potential threat to the Education Office's reputation or that of SIAMS
- d) compromised the outcome of the inspection

As a result of this decision the School Character and SIAMS Development Manager may confirm the outcome of Step One or may reach a different conclusion. The decision of the Education Office on this matter will be final.