

## Complaints Procedure Policy

November 2015

### *Our Vision*

- We value every child's individuality
- We value the development of the whole child-academically, physically, emotionally, socially and spiritually.
- We value a broad and rich experience, alongside academic success.
- We value a happy, caring, sustainable, and safe environment.
- We value the contribution we make to, and receive from, parents and the wider community. We value the development of all staff to achieve their full potential.
- We value dynamic leadership and management.

### **Overview**

1. From 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England were required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.
2. Wanborough already has a procedure for dealing with complaints about the curriculum. This complaints procedure does not replace the arrangements made for the curriculum. In addition, there are certain complaints which fall outside the remit of this complaints procedure, for example, staff grievances or disciplinary procedures.

### **Publicising the Procedure**

The existence of the Complaints Procedure is publicised in the following ways:

- the school prospectus;
- the information given to new parents when their children join the school;
- in the full policy file kept in the school office;

## **Part 1: General Principles of complaints**

### **Dealing with Complaints – Initial concerns**

- It is our policy to take all informal concerns seriously at the earliest stage, in the hope of reducing the numbers that develop into formal complaints.
- These key messages deal with complaints but our underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. We do not believe that the requirement to have a complaints procedure should in any way undermine efforts to resolve the concern informally. In most cases the class teacher will receive the first approach and will endeavour to resolve issues on the spot, including apologising where necessary.

### **Dealing with Complaints – Formal procedures**

- The formal procedures will need to 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 head teacher has overall responsibility for the operation and management of the school complaints procedure; except where the complaint is about the head teacher or governor and then the LA and/or governors are involved.

### **Framework of Principles**

- The Complaints Procedure will:
  - encourage resolution of problems by informal means wherever possible
  - be easily accessible and publicised
  - be simple to understand and use
  - be impartial
  - be 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 the points at issue and provide an effective response and appropriate redress, where necessary; provide information to the school's senior leadership team so that services can be improved.

### **Investigating Complaints**

- The head teacher will make sure that they:
  - establish what has happened so far, and who has been involved
  - clarify the nature of the complaint and what remains unresolved
  - meet with the complainant or contact them (if unsure or further information is necessary)
  - clarify what the complainant feels would put things right
  - interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish

- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

### **Resolving Complaints**

- At each stage in the procedure, we will keep in mind ways in which a complaint can be resolved. 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
- Complainants will 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 is not the same as an admission of negligence.

### **Vexatious Complaints**

- There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **Time Limits**

- Complaints need to be considered, and resolved, as quickly and efficiently as possible. Realistic time limits will be set for each action within each stage. However, where further investigations are necessary, new time limits could be set and the complainant would be sent details of the new deadline and an explanation for the delay.

## **Part 2: The Formal Complaints Procedure**

### **The Stages of Complaints**

- Our school complaints procedure follows well-defined stages, see Annex B. At each stage it clarifies exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the head teacher after a meeting with the complainant.

- We follow three stages, see Annex A:
  - Stage one: complaint heard by staff member (though not the subject of the complaint)
  - Stage two: complaint heard by head teacher
  - Stage three: complaint heard by GB's complaints appeal panel
- If you consider that the governing body has not acted properly in carrying out its investigation into your complaint you have a right to complain to the Local Authority (LA) as it has a responsibility to ensure that governing bodies act properly. The LA does not have the power to instruct a governing body to reverse its decision but will want to satisfy itself that the governing body has conducted the investigation fairly.

In the unlikely event that you will need to complain to the LA about the governing body's handling of a complaint please write to: **Group Director: Children Services, Swindon Borough Council, Beckhampton St, SN1 2JH.**

Please note that the LA can only act when each step of the school's complaints procedure has been followed.

If you think your school's governing body or your local authority is acting 'unreasonably' you can write to the Secretary of State for Education. Complaints to the Secretary of State are handled by the government's Department for Education (DfE) ([www.education.gov.uk](http://www.education.gov.uk)).

- If the complaint concerns the conduct of the head teacher, the chair of governors or the LA will deal with the matter. If it concerns a governor, the LA will deal with the matter.

### **Part 3 – Managing and Recording Complaints**

#### **Recording Complaints**

- As a school, we will keep a record of the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Annex C. At the end of a meeting or telephone call, the member of staff involved will ensure that the complainant and the school have the same understanding of what was discussed and agreed.
- The head teacher is responsible for the records and holds them centrally.

#### **Governing Body Review**

- Members of the GB monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole GB will not name individuals.

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| <b>Complaints Procedure</b> |
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**Stage One: Complaint Heard by Staff Member**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff are made aware of the procedures and they know what to do when they receive a complaint.

The school respects the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the head teacher can refer the complainant to another staff member. Where the complaint concerns the head teacher, they can refer the complainant to the chair of governors or LA.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the head teacher may consider referring the complainant 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.

Where the first approach is made to a governor, the next step will be to refer the complainant to the appropriate person and advise them about the procedure. Governors will not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

**Stage Two: Complaint Heard by Head teacher**

The head teacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

**Stage Three: Complaint Heard by Governing Bodies Complaints Appeal Panel**

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints will not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures
- hearing individual appeals
- making recommendations on policy as a result of complaints

The procedure adopted by the panel for hearing appeals is as follows. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

### **The Remit of The Complaints Appeal Panel**

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 which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have 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 the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. 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 their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The clerk would be the contact point for the complainant and be required to:

- 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
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- notify all parties of the panel's decision

### **The Role of the Chair of the Governing Body or the Nominated Governor**

- check that the correct procedure has been followed
- if a hearing is appropriate, notify the clerk to arrange the panel

### **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions
- 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 Panel's Decision**

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## Checklist for a Panel Hearing

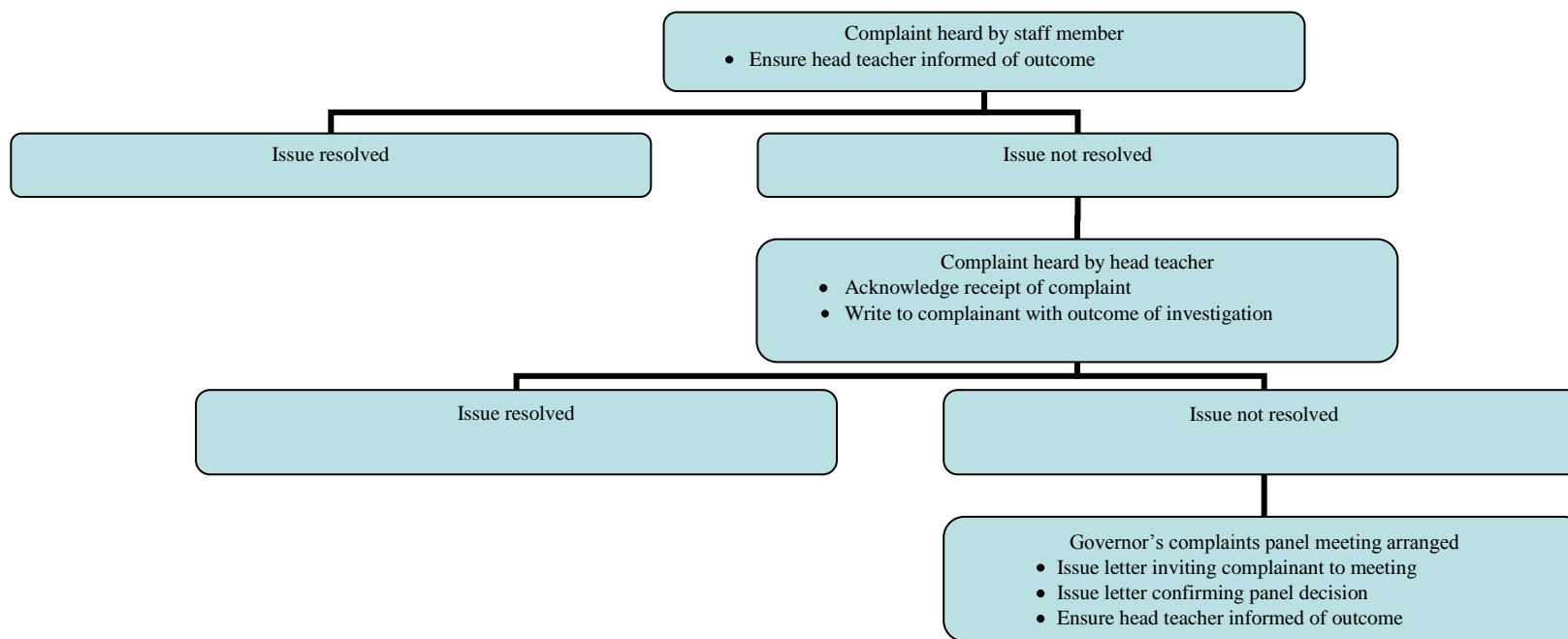
The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The head teacher may question both the complainant and the witnesses after each has spoken.
- The head teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the head teacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The head teacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.



## Flowchart

### Summary of Dealing with Complaints



Complaint form

Please complete and return to ..... (Head Teacher) 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:**

**Signed Head teacher** .....

**Signed Chair of Governors** .....

**Date:** November 2015

**Review Date:** November 2017