



Chantry Community Primary School

## Complaints Policy

Autumn 2013

## **1. Introduction**

- 1.1 We believe that our school provides a good education for all our children, and that the Headteacher and other staff work very hard to build positive relationships with all parents. However, the school is obliged to have procedures in place in case there are complaints by parents. The following policy sets out the procedure that the school follows in such cases. Most cases are able to be resolved in this way.
- 1.2 If any parent is unhappy with the education that their child is receiving, or has any concern relating to the school, we encourage that person to talk to the child's class teacher immediately.
- 1.3 There is a very clear procedure to follow that includes an informal stage and a formal stage. The informal stage will always begin with the class teacher and will often involve a parent raising a concern. It is our intention that concerns will always be taken seriously at the earliest stage to help reduce the number that develop into formal complaints.
- 1.4 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.

## **2. The Complaints Procedure**

### **Informal Stage – Complaint heard by a member of staff**

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, if staff are made aware of the procedures, they will know what to do when they receive a complaint.

It would assist the procedure if the school respected 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 complainant can be referred to the Deputy Headteacher. Where the complaint concerns the Headteacher, the complainant can be referred to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, they may refer the complainant to a member of the Senior Leadership Team. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure.

It would be useful if governors did 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.

The concern or complaint heard at the informal stage should be dealt with within 5 school days of it being brought to the attention of the member of staff. In the event that it has not, or cannot, be fully dealt with within this time it must be referred immediately to the Deputy Headteacher.

Staff should be reminded annually of the Complaints Policy and of the need to address issues as they occur.

### **Stage One – Complaint heard by Headteacher**

The Headteacher'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 the informal stage or that the nature or root of the complaint has not been adequately resolved. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

When the complaint is brought to the attention of the Headteacher, it will continue to be dealt with on an informal basis and every endeavour will be made to resolve the issue at this stage.

If, within 10 school days, the complainant is not satisfied and feels they need to take the complaint further then a Complaint Form will be given to them for completion. Receipt of the Complaint Form will be acknowledged within 5 school days and a full written response will be provided within 15 school days.

### **Stage Two – Complaint heard by Chair of Governors**

The complainant, within 10 school days of receipt of the Headteacher's written response at the end of Stage 1, asks for a review of their complaint by writing to the chair of governors care of the school, making it clear why they are complaining, who they have already spoken to and what they want to happen as a result of their complaint. Complaints made to the chair will be acknowledged within 5 school days with a substantive response within 15 school days. The Chair may need to hold interviews with the Headteacher and possibly other members of staff and notes should be kept of those meetings.

The letter conveying the Chair's findings should include details of the next stage of the procedure.

The Chair may need to explain the power of the governing body in the matter in question and the extent it may be possible to achieve the outcome desired by the complainant.

### **Stage Three – Complaint heard by Governing Body’s Complaints Panel**

The complainant, within 10 school days of receipt of the Chair of Governors' letter at the end of Stage 2, needs to write further to the Chair of Governors giving details of the complaint. Within 5 school days of the receipt of such letter the Chair, or a nominated governor, will convene a complaints panel. The governors' complaints panel will meet within 21 school days thereafter and is the last school-based stage of the complaints process. It is not convened merely to rubber-stamp previous decisions. [It is recognised that the panel has to be convened and additional time may be necessary. The complainant will be notified accordingly.] The panel will notify the complainant of their decision in writing within 5 school days of the panel meeting. Within 10 school days the complainant should acknowledge receipt of the decision and notify the chair as to whether or not they are satisfied with the decision reached.

If no response is received from the complainant to the letters and decisions referred to at the end of Stages 1, 2 or 3, within 10 school days of receipt, the complaint shall be deemed to have been satisfied.

Individual complaints would not be heard by the whole governing body 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 may include:

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

The procedure adopted by the Panel for dealing with complaints would normally be part of the school's complaints procedure. The Panel can be drawn from the nominated members and shall consist of not less than three and not more than five governors. The Panel may choose their own chair. For flowchart of procedure see Appendix II.

### **3. Framework of principles**

At all times the complaints procedure at Chantry Primary School will:

- Encourage the 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 the complainant informed of the progress
- Ensure a full and fair investigation by an independent person when 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

#### **4. Investigating Complaints**

The complaint will be thoroughly investigated by the Headteacher, who will:

- 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 for further information or clarification if 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

#### **5. Resolving Complaints**

At each stage in the procedure we will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or part. In addition, 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 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

It would be useful if complainants were 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.

It is really important to clarify any misunderstandings that might have occurred as this will help towards creating a positive atmosphere in which to discuss any outstanding issues.

## **6. Unreasonably Persistent Complaints**

There may 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 Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **7. Time-Limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible. For this reason each stage of the procedure has a clear time scale attached to it. There may be occasions when time scales have to be lengthened due to additional time needed to investigate the complaint and the complainant will be informed accordingly.

## **8. Recording Complaints**

All complaints will be recorded along with the progress of the complaint and the final outcome. An initial complaint may be made in person, by telephone, or in writing. There is a form (Appendix I) attached to this policy for the purpose of recording a Stage One formal complaint.

## **9. The Remit of the Complaints 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:

- It is important that the panel 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.
- The aim of the complaints panel, 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 panel 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.
- 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.
- 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 panel, if any, the child needs to attend.
- The governors sitting on the panel need to be aware of the complaints procedure.

#### **10. The Role of the Clerk**

It is recommended that any panel or group of governors considering complaints will be clerked. The clerk would be the contact point for the complainant and would 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

### **11. The Role of the Chair of Governors**

The Chair of Governors' role:

- Check that the correct procedure has been followed
- If a panel is appropriate, notify the clerk to arrange it

### **12. 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 meeting are put at ease
- The panel 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

### **13. 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; the time limit for this is specified in the procedure. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

### **14. Governing Body Review of Complaints**

The Governing Body will monitor the level and nature of complaints the school receives and review the outcomes on a regular basis to ensure the procedure is operating effectively and to make any amendments where necessary. Preferably,



complaints information shared with the whole governing body will not name individuals.

Reviewing complaints may identify underlying issues that need to be addressed. The monitoring and reviewing of complaints will support the school in evaluating our performance.

#### **15. Publicising the Procedure**

This policy and procedure will be available on the school's website and a hard copy will be made available to anyone who wishes to have a copy.

#### **16. Further Recourse**

The Secretary of State for Education

Under section 496 or 497 of the Education Act 1996, complainants have a right of appeal to the Secretary of State for Children, Schools and Families if they believe that the Local Education Authority has acted unreasonably.

If the Secretary of State agrees that a complaint is justified, the Department for Education has the power to require the Local Education Authority to take certain actions including the issuing of instructions to school governing bodies in appropriate circumstances, although in practice this would be very rarely exercised.

The Secretary of State would not take action until the school procedures have been completed.

#### **CONTACT DETAILS:-**

Public Communications Unit  
Department for Children, Schools and Families  
Sanctuary Buildings  
Great Smith Street,  
London. SW1P 3BT

Tel. 0870 000 2288

#### **17. Local Government Ombudsmen**

If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to the Local Government Ombudsman. The Ombudsman can investigate complaints about how something has been done but he cannot question what has been done

simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools and colleges.

The Ombudsman would not take action until the school procedures have been completed.

### **CONTACT DETAILS:-**

Local Government Ombudsman Advice Team

Tel - 0845 602 1983 or 024 7682 1960. You can also text 'call back' to 0762 480 4323.

Email: [advice@log.org.uk](mailto:advice@log.org.uk)

Policy agreed by Governors

Date ..... Chair of  
Governors.....

Date ..... Headteacher  
.....

### **Appendix I**

## **Complaint Form**

**Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.**

YOUR NAME:	
PUPIL'S NAME:	
YOUR RELATIONSHIP TO THE PUPIL:	
ADDRESS:	
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:	

**Appendix II****COMPLAINTS FLOWCHART****CONCERN OR COMPLAINT RECEIVED**

<b>Informal Procedure</b>	<b>School Action</b>
Informal discussion with the relevant class teacher or other relevant member of staff usually resulting in resolution of the issue.  If the complaint is about the Headteacher – proceed to Stage 2	The person is informed of the action to be taken to resolve the issue. It they are not satisfied they should be provided with a copy of the school's complaints procedure and information on how to proceed to stage 1.



<b>Formal Procedure – Stage 1</b>	<b>School Action</b>
The complaint is submitted, either verbally or in writing, to the Headteacher. The Headteacher will endeavour to resolve the issue informally but will move to the formal stage should it not be resolved. Completion of Complaint Form	If a Complaint Form is received the Headteacher acknowledges receipt within 5 school days and provides a full written response within 15 school days. Information is provided to the complainant on how to progress the complaint to Stage 2.



<b>Formal Procedure – Stage 2</b>	<b>School Action</b>
A written complaint is submitted to the Chair of Governors.	The Chair acknowledges receipt within 5 school days and provides a full written response within 15 school days. Information is provided to the complainant on how to progress the complaint to stage 3.



<b>Formal Procedure – Stage 3</b>	<b>School Action</b>
Complainant writes to the Chair of Governors requesting that the complaint be heard by the complaints panel.	The Chair requests the Clerk to arrange for the complaints panel to meet between 12 and 20 school days from receipt of the letter and informs the complainant of findings within 5 school days of the hearing. Information is provided to the complainant on how to progress to the Secretary of State for Education and Local Government Ombudsman.



<b>Further Recourse</b>	
Complainant writes to the Secretary of State for Education, or the Local Ombudsman.	The Secretary of State may intervene if a Governing Body or Children's Services Department has acted unreasonably. The Ombudsman only investigates issues of maladministration.