

September 2019

# School Complaints Policy & Practice 2019



General

	<i>Date</i>
<i>Approved by Governors</i>	September 2019
<i>To be Reviewed</i>	July 2020

## **INTRODUCTION**

A complaint is generally viewed as, "A clear statement of dissatisfaction of a service provided or requested". This generally arises if a concern was not dealt with to the satisfaction of the complainant at stage one. The aim of this policy is to ensure that parents are aware of the procedure for raising concerns and all staff are primed to respond appropriately.

## **GENERAL PRINCIPLES OF THE PROCEDURE**

### **Timescale**

- The procedures should address the complaints as speedily as possible, being consistent with fairness to all concerned.
- At the first stage many concerns can be dealt with and resolved immediately.
- Where a concern cannot be dealt with immediately, the employee dealing with the issue should note a response date for the complainant and should record it to ensure a reply is communicated.
- Should a formal complaint be received in writing, the governing body will respond within 15 school days.

### **Support for the Complainant**

- Support can be offered to parents from individuals/ organisations that are clearly separate from those complained against, such as Parent Partnership, Citizens Advice Bureaux and Community Relations Councils etc.

### **Support for the Person Complained Against**

- All staff being questioned will be treated in a fair way, being given opportunity to present their case.
- Staff will be told about the procedure and kept informed of progress
- The complaints procedure is distinct from formal disciplinary procedures for staff and this will be made clear to all concerned.
- However, there may be occasions where a complaint launches a disciplinary procedure. This would then put the complaints procedure on hold.

### **Confidentiality**

- All conversations and correspondence will be dealt with discreetly.
- A written record will be maintained of all meetings as part of the procedure.

### **Anonymous Complaints**

- These will usually be disregarded unless somebody is prepared to substantiate them.
- It will be at the Head Teacher or Governing Body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

### **Redress**

- If the outcome of the school procedure shows the school is at fault, the school will provide redress in the form of an acknowledgement that the complaint is valid.
- In such a case where the school is at fault the school may; offer an apology, make a promise that the event complained of will not recur or promise to undertake a review of school policies or practices

### **Staff Awareness**

- Staff will be supported by the leadership team in the interpersonal skills needed to deal with people who are upset or angry.
- Should the complainant act in an aggressive or unreasonable manner, the complaints procedure should be delayed. All staff should be aware of the advice contained in the LA policy and guidance document 'Violence at Work'.

### **Record Keeping**

- If complaints are to contribute to raising the quality of education, then good practice would suggest they need to be recorded and monitored termly by senior staff and reported to the governors where appropriate.

- Recording will begin at the point when a concern has become a complaint that cannot be resolved on the spot but needs investigation and/or consultation with others in the school and will require a later report back (either orally, or in writing) to the complainant. All complaints should be notified to the Head Teacher.
- Recording at the earliest stage will be a very basic record of the complaint, giving the date, name of complainant and general nature of the complaint. A pro forma for comments and complaints will be distributed for use.

## **COMPLAINTS PROCEDURE: STAGE 1**

- The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or office staff or Head Teacher, depending on whom the complainant first approached.
- Complainants must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing.
- At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take the issue further.

### **Procedure for Stage 1**

- Complainants will be offered an opportunity to discuss their concern with the appropriate member of staff designated to deal with the situation who will clarify with the complainant the nature of the concern, and reassure them that the school wants to hear about it. The member of staff may be able to explain to the complainant how the situation happened. Staff will identify at this point what sort of outcome the complainant is looking for.
- If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name, contact address or phone number and a brief note on the nature of the complaint.
- All members of staff will know how to refer on a concern, if necessary, to the person with responsibility for the particular issue raised by the complainant. S/he should check later to make sure that the referral has been successful.
- Usually the Head Teacher will decide to deal with concerns directly at this stage.
- If the concern relates to the Head Teacher, the complainant will be advised to contact the Chair of the Governing Body, giving them details of how to do so.
- The staff member dealing with the concern will make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear. A note will be made of the action and retained.
- Where no satisfactory solution has been found within a maximum of 15 school days, complainants will be asked if they wish their concern to be considered further. If they do then they will be given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

## **COMPLAINTS PROCEDURE: STAGE 2**

- The Head Teacher (or designate) will acknowledge the complaint orally or in writing, within a maximum of 3 school days of receiving the complaint, confirming the exact nature of the complaint. The acknowledgement will give a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. This will be within 15 school days, however, if this proves impossible, a letter should be sent explaining the reason for the delay and giving a revised target date for a response.
- The Head Teacher (or designate) will provide an opportunity for the complainant to meet him/her to supplement any information provided previously. It will be made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.
- If necessary, the Head Teacher (or designate) will interview witnesses and take signed statements from witnesses and those involved. If the complaint concerns a pupil, the pupil identified may be interviewed, if appropriate. The pupil will preferably be interviewed with another member of staff present and in the case of a serious complaint with their parents present. However, for the majority of pupils at Stanley School, this will be extremely difficult due to limited accuracy in responses.

- The Head Teacher (or designate) will keep a written record of interviews, telephone conversations, and other documentation.
- Once all the relevant facts have been established, the Head Teacher (or designate) will produce a written response to the complainant, or may meet the complainant to discuss/resolve the matter directly.
- A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that if s/he wishes to take the complaint further s/he should notify the Chair of the Governing Body within a maximum of 10 school days of receiving the outcome letter.
- If a complaint is against the action of a Head Teacher, the Chair of the Governing Body will carry out all the Stage 2 procedures.

### **RECONCILIATION STAGE: STAGE 3**

- This stage in the procedure can follow Stage 2 where the earlier stage has been investigated by a senior member of staff other than the Head Teacher.
- If the complainant is not content with the decision reached they may then refer the matter to the Head Teacher. This will take place within a maximum of 15 school days.
- The Head Teacher will endeavour to resolve any complaint referred to them and will seek to arrange a meeting with the complainant. The meeting offers an opportunity to reassess all issues, discuss any further findings from the Head Teachers investigation, clarify the action to be taken by the school and ally the complainant's worries in order to seek reconciliation.
- In some circumstances it may be appropriate to invite the LEA (in particular the Link Inspector) to act as conciliator.
- Should the complainant still be dissatisfied then they should be directed to put their complaint in writing to the Chair of Governors.

### **GUIDELINES GOVERNORS DEALING WITH COMPLAINTS**

- Upon receipt of a written complaint appropriate to this stage of the procedure or where a complainant appeals against the decision of the Head Teacher (Stage 2 of the procedure) within an agreed period, within a maximum of 15 school days of receipt of the decision letter, the Head Teacher must notify the Chair of Governors so that a review can be instituted.
- The Clerk to the Governing Body will write to the complainant to acknowledge the Chair of Governors has received a written request for a review. The letter will explain that the complainant has the right to submit any further documents relevant to the complaint. These will need to be made available immediately so that they can be circulated to all committee members.
- The committee of the Governing Body will set a timetable for the investigation and should communicate the timetable to the complainant.
- The Clerk to the Governors will arrange to convene the Complaints Committee elected from members of the Governing Body. (It may be necessary for the Governing Body to appoint reserves to this committee to ensure that three governors are available to carry out their task within the set time).
- The Complaints Committee members will be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body will chair the committee; otherwise the Vice-Chair will do so. Generally it is not appropriate for the Head Teacher to have a place on the committee.
- The Chair/Vice Chair will ensure that the complaint is heard by the committee within a maximum of 20 school days of receiving the letter. All relevant correspondence regarding the complaint must be made available to the committee members at least 5 school days before the hearing.
- The Chair/Vice-Chair will write and inform the complainant, Head Teacher, any relevant witnesses, and members of the committee at least 5 school days in advance, of the date, time and place of the meeting. The notification to the complainant will also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will explain how the meeting will be conducted and the complainant's right to submit further written evidence to the committee.
- The Chair/Vice-Chair of the Governing Body will invite the Head Teacher to attend the committee meeting and prepare a written report for the committee in response to the complaint. The Head Teacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Head

Teacher's report should be received by all concerned – including the complainant – at least 5 school days prior to the meeting.

- The involvement of staff other than the Head is subject to the discretion of the Chair.
- It is the responsibility of the Chair of the committee to ensure that the meeting is properly minuted.
- The aim of the meeting should be to resolve the complaint and achieve reconciliation. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- The committee should remember that many complainants are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the committee. It is therefore recommended that the Chair of the committee ensures that the proceedings are as informal as possible.
- If either party should intend to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The meeting will allow for:

- The complainant to explain their complaint and the Head Teacher to explain the school's response.
- The Head Teacher to question the complainant about the complaint and the complainant to question the Head Teacher and/or other members of staff (if invited to be present by the Chair of the committee) about the school's response.
- Committee members to have an opportunity to question both the complainant and the Head Teacher any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses.
- Final statements by both the complainant and the Head Teacher.

The Chair of the committee will explain to the complainant and the Head Teacher that the committee will consider its decision, and a written decision will be sent to both parties within a maximum of 15 school days. The complainant, Head Teacher, other members of staff and witnesses should then leave.

- The committee will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- A written statement outlining the decision of the committee must be sent to the complainant and Head Teacher.
- The chair should ensure that parents are aware that they can complain to the Ombudsman (in rare circumstances but particularly in relation to admissions) or the Secretary of State for Education and Employment if they are unhappy with the outcome of the review.
- The school should ensure that a copy of all correspondence and notes are kept on file in the school's records.

## **COMPLAINTS - WHO TO CONTACT?**

Complaints concerning the teacher/s with responsibility for investigating complaints:

- Where a complaint concerns in whole or part the conduct of the teacher responsible for investigating complaints, the teacher should, on receipt of the formal complaint, immediately refer the matter to the Head Teacher.
- The Head Teacher may either designate another member of staff to act as the teacher with responsibility for investigating the complaint, or s/he may her/himself deal with the complaint.

Complaints concerning the Head Teacher, a Governor or the Governing Body:

- In these cases the Chair of the Governing Body will investigate the complaint.
- The complainant can appeal against the decision of the Chair within a maximum of 15 school days of receipt of the decision letter. The Governing Body can either delegate the appeal to the complaints committee, or may, where they think it appropriate, appoint 3 other governors to form a complaints panel to investigate and make a recommendation by majority decision to the Governing Body.

Complaints concerning the Chair of Governors:

- A senior member of staff or Head Teacher, upon receiving a formal complaint against the Chair, must notify the clerk, who must then table the complaint at an extraordinary meeting of the Governing Body. The Chair must withdraw from any discussion. The Governing Body may either decide to refer the matter to the LA or must refer the complaint to the Complaints Committee of the governing body.

Withdrawal of Complaints:

- Formal complaints may be withdrawn at any stage by notice in writing.
- Complaints by members of the Governing Body and pupils.
- Governing Bodies will establish such procedures, as they feel appropriate for dealing with complaints, from members of the Governing Body and pupils.
- A complaint by a governor may be discussed at a full meeting of the Governing Body.
- A Governing Body can delegate the responsibility of managing complaints by pupils to the professionals.

The following personnel can be contacted via the School:

Chair of Governors, Mr Dave Spencer

Headteacher, Ms Holly Barker

Clerk to the Governors, Mrs Carolyn Totty

## **COMPLAINTS COMMITTEE**

### **Role**

The committee has the power to make decisions on behalf of the governing body and may:

- uphold the complaint
- uphold it in part, or
- dismiss it

Where the issue under consideration does not fall within the remit of the committee, the members may still wish to make recommendations. A Complaints Committee will be appointed at the Governing Body meeting in the Autumn Term. The composition of this Committee will be considered carefully.

### **Membership**

- Any Complaint Committee members should not have had previous significant involvement with the complaint under review.
- Whoever is appointed will have to be prepared to attend any meeting at short notice.
- It is suggested that three governors (excluding the Head Teacher) form the Complaints Committee. Substitutes will be appointed to take the place of any committee member who might be unavailable. The minutes of the Autumn Term governors' meeting will show exactly who should be called for a meeting and in what order.

### **Chair**

- The Governing Body will appoint a Chair for the Complaints Committee at the same time as they decide on the membership of the committee. This allows the Chair of the committee to take control of the situation before the meeting as well as during and after it. This is essential for a successful outcome. Previous experience of chairing a meeting is preferable.

### **Clerk**

- The clerk will draw up the agenda and make all the necessary arrangements for the meeting.

## **COMPLAINTS COMMITTEE MEETING**

### **Before the meeting:**

A copy of the agenda, the complaint, and any written response from the Head Teacher will be sent to Complaints Committee members and the Chair of Governors at least five school days before the meeting. Each member must immediately read the papers to check that they have no significant involvement with the case under consideration, but should not discuss it with anyone else. If they need to withdraw from the committee the clerk should organise a substitute. It is essential to withdraw at this stage so that a substitute can be arranged.

### **Practical arrangements**

The tone of the meeting is often set by what happens when the complainant first arrives. Therefore the Chair will consider the following:

- What time will participants be asked to arrive?
- Who will greet participants when they arrive?
- Will anyone wait with them?
- Where will other people wait? (Separate places for complainants and school representatives may be advisable).
- Will there be any refreshments provided?
- Where will the meeting take place?
- How will the meeting room be arranged? (Small informal arrangements are usually best)
- What route will the complainant and school representatives take to the meeting room?

### **Chair's role**

During the meeting the Chair will:

- Take control of the meeting with confidence; use their judgement to move the meeting on when necessary and aim towards a resolution by coming to a conclusion on the written and oral evidence presented at the meeting.
- Convey to all concerned that as Chair you are acting impartially by treating all participants fairly.
- The complainant and the Head Teacher (with their friends/advocates) should be invited in and asked to leave together.
- At the discretion of the Chair witnesses should be invited to join the meeting when their input is required and to leave immediately afterwards
- It is not appropriate for a child/pupil to attend.
- Having ascertained the names of all those waiting outside the meeting room, start the meeting by agreeing with the committee who should be invited in to speak to the committee and in what order; at no time should the complainant, Head Teacher or a witness be able to talk to committee members without both the complainant and Head Teacher being present; these arrangements may have to be modified if one or more of the parties have absented themselves from the meeting.
- If witnesses are waiting, the Chair should try to ensure that they are called in due course if required or sent home early if it becomes apparent that they will not be seen.
- Once the main participants have joined the meeting, explain the proceedings.
- Begin to hear the complaint being firm about keeping to the agenda and reminding participants as necessary about the procedure, e.g. if interruptions occur.
- Bear in mind that all participants will be under stress; be even-handed in the treatment of all participants.

### **Explaining the proceedings - The Chair will:**

- Introduce the people round the table.
- Explain that the agenda will be followed.
- Run down the items briefly and let the participants know if they will be able to hear the decision at the end of the meeting.

- If the complaint is complex and there are some aspects of it that fall outside the committee's remit, clarify this and explain exactly which aspects of the complaint can be addressed by the committee; later, advise the complainant as to how best to follow up any complaint that could not be dealt with by the committee. Alternatively, the committee may wish to consider making representations to the responsible authority for those areas that fall outside its remit.
- Make it clear that although the meeting will be as informal as possible, it is intended to keep to the agenda to allow everyone to have a fair hearing.
- Explain that the complainant will speak without interruption and then allow the Head Teacher and complaints committee members to ask any questions to clarify any issues raised; then the Head Teacher's response will be heard, again without interruption and there will be an opportunity for the committee and the complainant to ask any questions about what has been said and so on.
- Indicate any time limits to adhere to.

#### **Concluding the discussion:**

- It is important that all the participants feel that they have had every opportunity to be heard but if they are beginning to repeat themselves at the "further questions or points" stage, move the meeting on by proceeding to the summing up. The complainant and Head Teacher should then be invited to sum up if they wish but if the issues are clear, formal summing up may not seem to be appropriate.
- Confirm the arrangements for the participants to receive the decision of the meeting.
- Write down the decision of the committee so this can be accurately recorded in the minutes.
- If the participants are invited back to hear the decision, make it clear to all parties that no further discussion is possible.

#### **The decision letter and minutes:**

- The clerk to the Complaints Committee will send a copy of the decision letter to the complainant, Head Teacher and chair of governors.
- The clerk to the complaints committee will write the minutes and send them to the governing body clerk for distribution to the rest of the governing body; the minutes will record the procedure followed, the decision reached and any recommendations made.
- It is usual for all documents relating to a complaint to be kept confidential.

#### **After the meeting:**

- The chair of the committee should receive a copy of the minutes for confirmation.

## MODEL AGENDA

1. Apologies.
2. To consider members' declaration of interests, entitlement to vote and any requirements to withdraw from the meeting.
3. To confirm the order of the procedure.
4. To agree whether the decision should be conveyed orally to all parties at the end of the meeting (as well as in writing afterwards).
5. Invitation to complainant and Head Teacher to join meeting and introduction to governors.
6. Introduction and explanation of procedure.
7. To note the role of the clerk at the meeting.
8. Complainant's presentation and witnesses and questions to both by Head Teacher and/or governors.
9. Head Teacher's response and witnesses and questions to both by complainant and/or governors.
10. Any further questions or points from any of the parties.
11. Opportunity for summing up by Head Teacher.
12. Opportunity for summing up by complainant.
13. Summing up by the Chair.
14. Complainant and Head Teacher leave meeting.
15. To decide on the complaint. The committee can:

*uphold the complaint in full  
uphold it in part, or  
dismiss it.*

16. To consider whether and how to refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the Head Teacher.
17. To inform the complainant and the Head Teacher of the governing body's decision and further rights of representation (if agreed at 4 above).
18. Confidentiality: to consider whether any items are confidential and should therefore not be available to persons wishing to inspect governing body papers.

## **GUIDANCE NOTES FOR PARENTS**

### **If you have a concern or complaint:**

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you are wanting to tell us, our support and respect for you and your child in the school will not be affected in anyway. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago.

### **What to do first**

Most concerns can be sorted out quickly by speaking with your child's class teacher.

### **What to do next**

If you are dissatisfied with the teacher's response (or with the Head Teacher's initial reaction if he/she has already been involved) you can make a complaint to the Head Teacher. This should be made in writing. Help with this is available from Parents Partnership.

If your complaint is about an action of the Head Teacher personally, then you should refer it to the Chair of Governors. You can contact him/her by telephoning the school.

You may also find it helpful at this stage to have a copy of the full statement of the General Complaints Procedure as this explains in detail what procedures are followed. This is available from the school office.

The Head Teacher will ask to meet you for a discussion of the problem. Again you may take a friend or someone else with you if you wish. The Head Teacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

### **If you are still unhappy**

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the Governing Body to ask for referral of your complaint to the Complaints Committee of the governing body. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the committee at a meeting which the Head Teacher will also attend. The General Complaints Procedure statement explains how these meetings operate.

### **Further action**

Complaints about school problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to an outside body such as the Ombudsman (in rare circumstances but particularly in relations to admissions) or the Secretary of State for Education and Skills. Again there is more information on this in the General Complaints Procedure.

### **Independent Advice**

Parents and carers can receive independent advice from both the National Confederation of Parent Teacher Associations and the Advisory Centre for Education, 1c Aberdeen Studios, 22 Highbury Grove, London N5 2DQ. Both organisations may offer advice but will not support individuals in pursuit of a complaint.

## **COMPLAINT FORM (CONTINUED)**

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 whom:

Complaint referred to:

Date:

## STAGE 2 COMPLAINTS PROFORMA

Date complaint referred to Head Teacher: \_\_\_\_\_

Complainant acknowledged orally/by letter, date: \_\_\_\_\_

School's complaint procedure forwarded: YES/NO

Target date for response: \_\_\_\_\_

General nature of complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of meeting with complainant: \_\_\_\_\_

Others present: \_\_\_\_\_

Statements attached: YES/NO

Witnesses interviewed:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Pupils interviewed in presence of: \_\_\_\_\_

Date: \_\_\_\_\_

Records of correspondence/telephone calls etc. attached: YES/NO

Meeting date with complainant or date letter sent:

\_\_\_\_\_

Written response attached: YES/NO

Complaint referred to governing body, date: \_\_\_\_\_