



Chawson First School
Policy and Procedure for responding to complaints
March 2015

This Policy is based on a Model published by Worcestershire Children's Services and follows advice from the DfE: School complaints toolkit 2014; August 2014. This advice is formulated taking into account Section 29 of the Education Act 2002.

The school publishes details of its Complaints Procedure in:

- The school prospectus
- The school website

If the complaint relates to any of the following, the appropriate procedure should be followed:

complaints about the National Curriculum
 collective worship
 religious education
 pupil admissions
 pupil exclusion
 child protection
 employee grievances and disciplinary proceedings.

(Local Authorities are required to set up a procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school.)

General Principles. This procedure contains advice for resolving complaints; flowcharts to indicate time limits; and advice on the conduct of meetings.

Every attempt will be made to adhere to the time limits specified in the flow charts and detailed procedures which follow, but these may, in exceptional circumstances, be exceeded. In such cases the School/ Governors will advise the reasons and set a new time-scale. The complainant will be sent details of the new deadline and an explanation for the delay.

A complaint will usually be considered as 'out of time' if it is raised more than 3 months after the matter in question being known to the complainant.

Anonymous complaints will not be investigated, except in exceptional circumstances – such as child protection issues. It is arguably reasonable to expect parents to make a complaint as soon as possible after an incident arises but there may be good reasons why a parent has not made a complaint earlier (e.g. they were gathering

further information to support their complaint or they were not fully aware of the implications of an incident until a later date).

The aim of this policy is to resolve concerns at the earliest opportunity, and effect reconciliation if there has been friction. If the complaint needs to be formalised, the complainant will be asked to write down the substance of the complaint on the form, an example of which is found in Annex C. This form will also invite a view about what actions might be felt to resolve the problem.

Possible resolutions. Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about, (if justified) will not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint. An admission that the school could have handled the situation better is not the same as an admission of negligence.

C. Later Stages. Where concerns are not resolved on an early timescale, the procedure allows for formal consideration by the Headteacher, and later still, by a Governors' Complaints Panel.

D. Unresolved Complaints. Occasionally, a complainant may remain dissatisfied, even though this procedure has been used through all its stages. However, it will not normally be possible to re-open the same issue. In such circumstances, the Chair of Governors will inform the complainant that the procedures have been exhausted and that the matter is closed.

E. School Complaints Stages in Detail

This school will monitor and record a sample of parents/carers compliments, concerns and complaints. (Compliments and concerns are very often expressed verbally and are not easily recordable.) This will endorse and ensure the continuation of good practice. The number of stage 2 complaints and above will be reported to Governors termly as appropriate.

It is acknowledged that, where concerns are raised, they are more often than not raised with a more senior person, for example, a Key Stage Co-ordinator or Deputy Head, or the Headteacher, rather than a more junior teacher. The first stage, therefore, could if appropriate be dealt with informally by one of a number of possible people.

Stage 1 (Informal)

Where any member of staff becomes aware of a voiced concern, they should deal with it themselves if it is appropriate, and they feel comfortable in doing so. Many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most concerns can be readily resolved at this informal stage. Where the person approached feels uncomfortable with dealing with the matter directly, they should involve another member of staff or their line manager. The ability to consider the complaint objectively and impartially is crucial.

In the case of serious concerns (or where the school deems it more appropriate to do so) it may be necessary to refer these matters directly to the Headteacher.

Where the complaint is specifically about the Headteacher, similarly the parent/carer should discuss this with him/her at this stage first.

It is not appropriate for a complaint to be directed through a Governor. Any Governor receiving a complaint will give advice that there is an established procedure, and refer the complainant to the appropriate person. (This is because a Governor acting unilaterally could prejudice the involvement of Governors at a later stage.) Any Governor finding themselves in this position is invited to discuss the matter with the headteacher or senior leader to ascertain at what stage the concern/complaint should be dealt with and by whom.

The only form of complaint which would not be discussed with the headteacher is where the complaint involves an allegation of safeguarding against the headteacher. If this was the case the Chair of Governors would be responsible for discussing the matter with Sally Mills, Senior Adviser for Safeguarding Children in Education. This type of complaint would not form part of this complaints procedure.

Where the concern is significant, and has required a change of school plans/systems, the concern will be noted (including the outcome) and copied to the Headteacher. Where the subject of the complaint is the Headteacher, he/she will copy the record to the Chair of Governors. A record will not necessarily be made where the concern is managed through the provision of information, apology and / or resolved easily. Complaints information shared with the whole Governing Body (GB) should not name individuals in case an appeal panel needs to be constituted.

As well as addressing an individual's complaints, the process of listening to and resolving complaints may contribute to school improvement. When individual complaints are heard, the school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB can be a useful tool in evaluating a school's performance.

Where informal attempts by the school have failed to bring about a satisfactory resolution for the parent/carer, the parent/carer is entitled to request that the complaint be treated more formally. Unless the complaint directly concerns the Headteacher, it will be him/her who deals with this next stage (Stage Two).

If the complaint is specifically about the Headteacher, and s/he has had the opportunity in Stage one to discuss the matter, the parent/carer can then directly contact the Chair of Governors about Stage 2.

Stage 2 (Formal) Dealt with by Headteacher

[If the complaint concerns the Headteacher, the Chairman of Governors is personally responsible for following the procedures in Stage 2. Otherwise, the Headteacher deals with this Stage].

Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body. The matter will be managed by the headteacher in discussion with the Chair and/or Vice Chair or other member of the Governing body as appropriate. Support and advice will be sought through Worcestershire Local Authority Governor Services.

This stage can be initiated if/ when dissatisfaction with the outcome of stage one is received by the school. At this point, a copy of these Procedures and Policy will be sent to the complainant within 3 school days, together with the formal complaint form (Annex C). The complainant will be offered the opportunity of making the concern into a formal complaint by filling in Form C or can be invited to a meeting at which they can be supported to consider all aspects of the form. (This may be an appropriate way forward when a complainant has already written a letter of complaint but not used Form C. The headteacher (or Chair of Governors) can use the form on the complainant's behalf at the meeting. A copy of Form C should be held by both the school and the parent/carer once completed.

The form is structured to ensure that each party has a common understanding about the complaint. As the main purpose of the process is to achieve reconciliation, parents/ carers are also asked what actions might resolve the problem.

The concern will not be regarded as a formal complaint (stage 2) until a Form C has been completed and received by the school.

After the formal complaint form is returned, it will be acknowledged within 3 school days and the investigation will commence.

This is the first stage of the formal complaints process and as a result, all communications between parties will be recorded.

Before proceeding with a formal investigation, the Headteacher may wish to meet with the individual and discuss his/her concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure. In the latter case, the Headteacher will advise the complainant on what will need to be done. (Where the Chair of Governors is involved at this stage of the process, he/she may wish to discuss the matter with the headteacher.)

The head (or Chair of Governors) may delegate the task of collating the information or carrying out interviews to an appropriate member of staff, but not the decision on the action to be taken. The investigation should involve the review of any relevant documentation and information. If necessary, witnesses will need to be interviewed and statements taken from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed. All adults interviewed would be given the opportunity of being accompanied if they wish. The headteacher should ensure a full and fair investigation. Confidentiality will be respected where appropriate. Interviews will be conducted with an open mind and the interviewer will be prepared to persist in the questioning. Notes will be kept of all interviews in this part of the process.

The outcome of the investigation should be communicated to parents/carers, either at a meeting (followed up in writing) or as a written response. This response should explain the outcome and should be supported by reasons for reaching this decision and what action, if any, will be taken. (If management action is subsequently required against an employee of the school, the parents/carers will not have access to this information). **This response should be provided within 10 school days of acknowledging the complaint.**

At each stage in the procedure schools will want to 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 in 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 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.

If the complainant is still dissatisfied with the response given and would like to take the complaint further, they should make this clear in writing to the Headteacher. On receipt, s/he will send on the complaint form and all associated information to the Chair of Governors. [In the case of the Headteacher, if the complainant is still dissatisfied, and wishes to take it further, the Chair should be so advised, and Stage 3 initiated]

Stage 3 (Formal) Dealt with by Governors' Panel

On receipt of the information from the Headteacher, the Chair of Governors will verify that the parent/carer has properly exhausted all stage 2 procedures through discussion with the headteacher and an over view of any available documentation. If not satisfied, the Chair will refer the matter back to the Headteacher. When satisfied, the Chair will contact the Clerk and liaise with him or her to make preparatory arrangements for the Governors' Complaints Panel Meeting. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel.

The Clerk may be the Clerk to the Governing Body, or, in exceptional circumstances, another Governor acting as Clerk, (over and above those selected for the Panel).

The Chair of Governors will identify three governors chosen from an agreed pool of governors to form the Complaints Panel, and the Panel will appoint its own chair. Individual complaints would 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. 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, the Chair needs 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 governors sitting on the panel will be aware of the complaints procedure. The Chair of Governors or Clerk to the Governors' Complaints Panel will acknowledge (to the complainant) receipt of the information from the Headteacher within 5 school days.

This letter will inform the parent/carer that the complaint will be heard by the Complaints Panel within 15 school days. In exceptional circumstances, the parent/carer will be notified where this timed period will need to be extended and the reasons for this.

The Clerk of the Panel will convene a meeting of the Complaints Panel, (as identified by the Chair of Governors), and arrange a time and date for the meeting. All relevant

documentation from the Headteacher and the parent/carer will be distributed to all parties, (including the Panel members) in advance of the meeting.

The Panel has discretion as to how it will carry out its duties, some of which are itemised in Annex B. As part of this, parents /carers will be asked to attend a meeting of the Panel (with accompanying relative or friend if desired).

The panel will endeavour to 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 should ensure that the proceedings are as welcoming as possible. It is understood that the layout of the room will set the tone and care may be needed to ensure the setting is informal and not adversarial.

Extra care will 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.

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 that 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

Roles and responsibilities

The role of the clerk

- To be the contact point for the complainant
- 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 (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.
- share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

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 requested, 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.

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.

The Chair of the Panel needs to ensure that the parent/carer is notified of the Panel's decision in writing **within 5 school days** of the meeting. The response will include action (if any) that needs to be taken and where appropriate, suggest changes to, or review of, the school's systems or procedures to ensure that similar problems do not happen again.

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. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

Should a complainant raise an entirely new, separate complaint, it will be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence.

If the parent/carer is dissatisfied with the response they have been given, and would like to take the complaint further, they should be referred to stage four of this procedure.

Equally, if the Headteacher perceives due process has not been followed, s/he may wish to refer the matter to Stage 4 for adjudication.

Stage 4 (Formal)

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:

Department for Education
2nd Floor,
Piccadilly Gate
Manchester
M1 2WD

The written complaint should include the following information:-

- details of the original complaint
- the decision and recommendations/ action (if any) of the Governors' Complaints Panel

- reason for believing the original complaint was not dealt with fairly and in accordance with the school's complaints procedures
- the expected desired outcome.

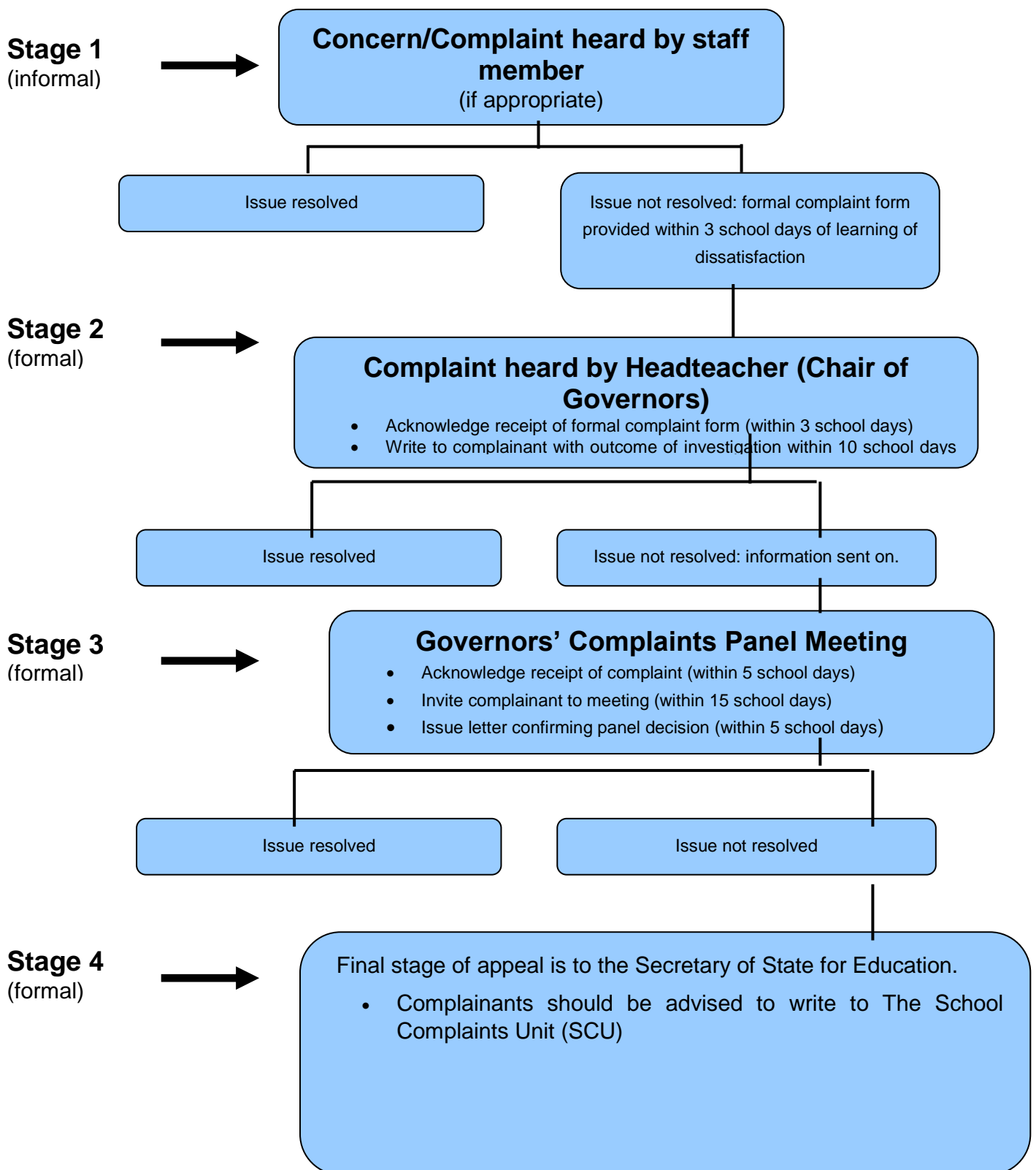
What will the Department for Education do?

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

Date of policy review: January 2015

Policy will be reviewed on a three year cycle as described in the School Development plan. The policy review may also be considered in the event that new guidance or legislative changes are introduced by the Department for Education.



MODEL PROCEDURE FOR THE CONDUCT OF A GOVERNORS' PANEL HEARING TO CONSIDER A COMPLAINT

It is important that the members of the Governor Panel are impartial and independent, and seen to be so. The Panel members should have no prior involvement with the case, and be sensitive to the constitution of the Panel with regard to issues of equality.

It may be the case that parents/carers feel anxious that they will not be provided with opportunities for them to be heard or that the procedure is not seen to be fair (i.e. parents may perceive the Governors' view to be weighted in the school's favour). Panel members need to be aware these perceptions may exist and endeavour to demonstrate openness and objectivity in their actions.

THE HEARING

Reports and statements submitted to the Panel should be made available to all parties in advance of the hearing.

The Chair of the Panel must determine in advance the most appropriate method of conducting the hearing into the complaint so that the Panel may achieve 'best evidence'. The decision will be influenced by the contents of the Complaints Form and other information to hand. Some possibilities are listed below, but they are not exhaustive:

Option One

To consider the written statements, reports and evidence provided in advance, and to question the originators about their substance.

This approach is likely to be least effective, as it might result in a time-consuming search for additional information and cross-referencing.

Option Two

Interviewing separately the complainant and the school representative, and other parties deemed relevant by the Chair, in order to hear statements and collect additional directly related evidence.

Option Three

With the agreement of all parties, to hold a hearing with both sides present and available to respond to questions put by the Panel, and through the Chair. Such a meeting should be non-adversarial.

Option Four

With the agreement of all parties, to hold a meeting with both sides present, to follow an Agenda on the lines of the following Model: Witnesses are only required to attend for the part of the hearing in which they give their evidence.

Model Agenda

- 1) Complainant explains reasons for making the complaint, and calls witnesses if desired.
- 2) Headteacher and Panel members may ask questions
- 3) Headteacher invited to explain the school's actions and call witnesses if desired
- 4) Complainant and Panel members may ask questions
- 5) Complainant is invited to sum up the complaint
- 6) Headteacher is invited to sum up the school's actions and response to the complaint
- 7) The parties leave together, and the Panel considers its decision

The panel may ask questions at any point.

It is essential to recognise at all times, that the procedure for any of the above options deals only with establishing the validity of a parental complaint and does not constitute a hearing connected with any disciplinary process.

The complainant is welcome to bring an accompanying relative or friend if desired, and witnesses if appropriate.

The school representative will be the person who dealt with Stage Two [The Headteacher usually, but the Chair of Governors if the complaint related to the Headteacher] S/he may bring a friend if desired.

If other members of staff or other witnesses are needed because of their perceived involvement in the substance of the complaint, each, too, may be accompanied by a friend.

The Clerk to the Governors' Panel will be responsible for inviting participants into the room at the relevant times, and make introductions as necessary.

The Clerk to the Governors' Panel should keep an accurate record of the discussion at the meeting. The Governors may need to refer to this to assist them in their consideration of the case. It may be helpful to the parent/carer for them to be informed if these notes will be made available to them. If, as a result of the complaint being upheld there is any disciplinary action towards a member of staff, the parent/carer is not permitted any knowledge of this. Therefore, if any notes are made available to complainants, any such references should be removed before being sent.

The Chair should explain the Panel's Remit and that the purpose of the hearing is to review the complaint and try to resolve the issues to enable reconciliation between the parent/carer and the school. It may only be possible to establish the facts and recommend future actions.

The Chair should reassure all parties that they will have every opportunity to state their case.

The Chair should explain the procedure decided upon for the hearing. It may be helpful to have printed copies of this available to all parties.

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 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

The Panel should consider: -

- The evidence (written and oral) from the school representatives and the parent/carer.
- The relevant school policies and procedures (e.g. anti-bullying, race equality, dress code, and discipline).
- The extent to which the school's action is consistent with the appropriate school policy (i.e. have the school managed the issue in the manner defined in their documentation?).
- The response of the Panel to the parent's/carer's complaint, having considered the information made available to them, providing reasons for their decision.
- Areas of agreement identified between the parties.
- Misunderstandings identified, which can be remedied.

Possible resolutions. (re-printed from adopted Procedure)

Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about, (if justified) will not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint.

- Any recommendations to review/ revise school policies and procedures as necessary. This should identify a reasonable timescale and a nominated person who will be responsible for this to be achieved, and progress should be monitored by the Governing Body.
- The appropriate action to be taken by the school, if necessary.
- Recommendations on changes to school policies and procedures in the light of this experience, if necessary.

Reminder: If as a result of the complaint being upheld, there is disciplinary action contemplated towards a member of staff, the complainant is not permitted any knowledge of this.

The Panel's decision, with reasons, should be confirmed in writing to the parent/carer, Headteacher and Chair of Governors within 5 school days.

ANNEX C

Complaint Form to be supplied with a copy of the adopted procedure

Please complete and return to the Headteacher who will acknowledge receipt .
The Procedure, at Stage 2, explains what action will be taken after receipt.

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.
(Whom did you speak to, when, and what was the response)?

The form continues overleaf.....

What actions do you feel might resolve the problem?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom?:

Complaint referred to:

Date: