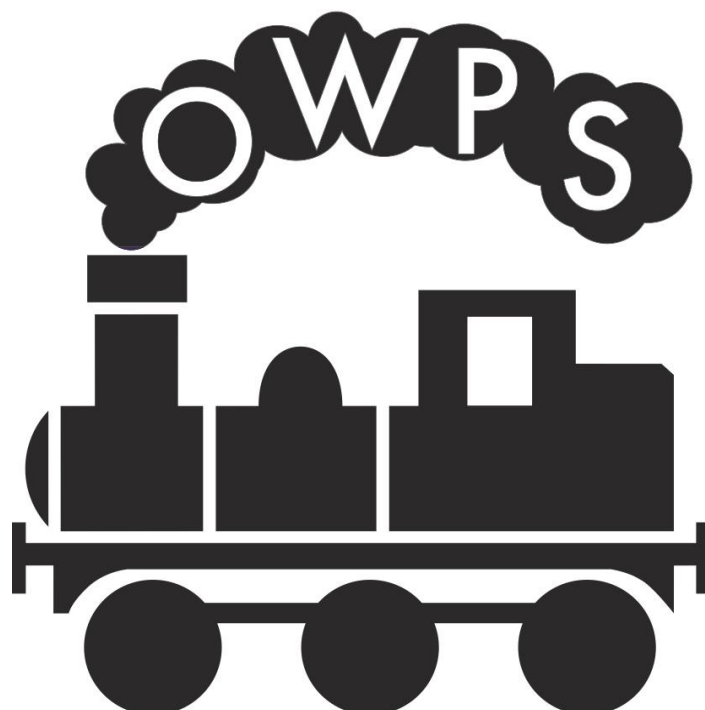


Orton Wistow Primary School



Complaints Procedure Policy

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| Status | Statutory |
| GB Monitor | FGB |
| Staff Lead | HT/DHT |
| Senior Lead | Simon Eardley |
| Version | Accepted |
| Publication Date | Jan 18 |
| Next Review | Jan 20 |

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| Date Agreed: | |
| Headteacher: | |
| Chair of Governors: | |

Key – Highlighted areas indicate changes made to this new version of the policy

Introduction

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/carers. 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.

We deal with all complaints in accordance with the process set out in point 3 below, following procedures set out by the Governing Body. If the school cannot resolve any complaint itself, those concerned can ask the Governing Body to intervene. All parents/carers have the right, as a last resort, to appeal to the Secretary of State for Education, if they still feel that their complaint has not been properly addressed.

Aims and objectives

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

This policy should be used for:

- Complaints relating to the schooling of your child
- Complaints about the education and care provided to pupils at the school
- Complaints about the school's operational arrangements

This policy is limited to matters which can reasonably be investigated and therefore complaints should relate to matters which have occurred within the last 12 months.

This policy should not be used for:

- Complaints by staff relating to grievances about their employment
- Complaints about the actions of a governor
- Complaints about the actions of another parent
- Allegations of abuse
- Issues between the school and community groups/PTA

These matters will be dealt with by:

- Complaints by staff relating to grievances about their employment (There is a separate staff grievance procedure)
- Complaints about the actions of a governor (This should be reported to the Chair of the Governing Body in the first instance, with advice sought from the Local Authority)
- Complaints about the actions of another parent (This should be reported to the Headteacher who will investigate whether action can be taken by the school)
- Allegations of abuse (Any allegations of abuse should be discussed with the Headteacher or a senior staff member in the first instance. For a definition of abuse, refer to the school's Child Protection/ Safeguarding policy(s).
- Issues between the school and community groups/PTA (These will be resolved informally by discussion)

The Complaints Process

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 panel 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 management team so that services can be improved.

Stage One: Informal Complaints

1. If a parent/carer is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher. Most matters of concern can be dealt with in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress. The teacher will also log the discussion and inform the Headteacher.
2. Where a parent/carer feels that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious or sensitive nature, they should make an appointment to discuss it with the Headteacher or Deputyhead. The Headteacher and Deputyhead will consider any such complaint very seriously and will investigate each case thoroughly. Once the complaint has been investigated, the Headteacher or Deputyhead will then report back in writing, or more usually at this informal stage, through an interview with the complainant, **usually within five working days**.
3. Every effort will always be made to resolve the problem at this informal stage. Complainants who remain dissatisfied at this stage will be informed by the Headteacher or Deputyhead that they have the opportunity to make a formal complaint.

Stage Two: Formal Complaints Heard by the Headteacher

1. Formal complaints should be made in writing and will normally be investigated by the Headteacher in the first instance.

Stage Three: Formal Complaints Heard by the Chair of Governors

- Only where a formal complaint has been made and not satisfactorily resolved by the Headteacher, should a formal complaint be made to the Chair of Governors. This complaint must be made in writing, stating the nature of the complaint and how the school has handled it so far. The parent should send this written complaint to the Chair of Governors, c/o Orton Wistow Primary School.
- Should a parent/carer have a complaint about the Headteacher, s/he should contact the Chair of Governors, who is obliged to investigate it. The Chair of Governors will consider any such complaint very seriously and will investigate each case thoroughly. The Chair of Governors will do all s/he can to resolve the issue through a dialogue with the school, but if a parent is unhappy with the outcome, s/he can make a formal complaint, as outlined below.
- Any other governors in receipt of complaints will refer them to the Headteacher or Chair of Governors as appropriate, and will not become further involved themselves
- The Chair of Governors will investigate the complaint and convey his/her findings to the parties concerned within three working weeks of receipt.

Stage Four: Formal Complaints Heard by the Governing Bodies Appeal Panel

1. If the complainant is still not satisfied, the Chair of Governors will convene a panel of three Governors to investigate the complaint. The complainant will be invited to attend the meeting, so that s/he can explain their complaint in more detail. The school will normally give the complainant at least three days' notice of the meeting.
2. After hearing all the evidence, the Governors consider their decision and inform the parent/carer about it in writing. The Governors do all they can at this stage to resolve the complaint to the parent's/carer's satisfaction.
3. If any parent/carer is still not content that the complaint has been dealt with properly, then s/he is entitled to appeal to the Grievance Panel of the Governing Body for final resolution of their complaint.
4. If any parent/carer is still not content that the complaint has been dealt with properly, then s/he is entitled to appeal to the Secretary of State for Education.

Monitoring and review

The Governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. The Headteacher logs all complaints received by the school and records how they were resolved. Governors examine this log on a **termly** basis.

Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process.

Annex B – An example of a complaints procedure

The stages of the complaint Stage

1 (informal): 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, 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 complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator 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 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.

Stage 2 (formal): 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 Stage 1 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 3 (formal): complaint heard by Chair of Governors

If the complainant is not satisfied with the response of the headteacher or the complaint is about the headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

Stage 4 (formal): complaint heard by Governing Bodies Complaints Appeal Panel

The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. 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 governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

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.

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 would normally be part of the school's complaints procedure. 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 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.
- 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.
- e. The governors sitting on the panel need to be aware of the complaints procedure.

Roles and responsibilities

The role of the clerk

The department strongly recommends that any panel or group of governors considering complaints be clerked. 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 (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.

As best practice, the Clerk should 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.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

The role of the Chair of the Governing Body or the nominated governor

The nominated governor role:

- 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.

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 (including the reasons for the decision); 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. This may be the LA or Diocesan Board.

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

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

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 headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher 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 headteacher 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.

Annex C – Summary for Dealing with Complaints

Stage 1 – Complaint heard by staff member

- Ensure complaints co-ordinator informed of outcome

If not resolved, then escalate to Stage 2 – Complaint heard by **headteacher**

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to Stage 3 - Complaint heard by **Chair of Governors**

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 4 if dissatisfied

If not resolved, then escalate to Stage 4 – **Governor's complaints panel** meeting arranged

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Secretary of State for Education

ANNEX D - EXAMPLE OF A COMPLAINT FORM

Please complete and return to Simon Eardley, Head teacher (Complaints Co-Ordinator) who will acknowledge receipt and explain what action will be taken.

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| YOUR NAME: |
| PUPIL'S NAME (IF RELEVANT) |
| YOUR RELATIONSHIP TO THE PUPIL (IF RELEVANT) |
| ADDRESS: POSTCODE: DAYTIME 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?) |

| |
|--|
| YOUR NAME: |
| PUPIL'S NAME (IF RELEVANT) |
| YOUR RELATIONSHIP TO THE PUPIL (IF RELEVANT) |
| ADDRESS: POSTCODE: DAYTIME 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?) |