

St Andrew's Church of England Primary School



With Faith, Hope and Love we can achieve greater things.

Complaints Procedure Policy
September 2020 - September 2022

L Thompson

Agreed by Governors:

Date

Signed _____

St Andrew's C of E Primary School

Complaints Policy

Contents

Part 1 overview

Part 2 General Principles of complaints

2.1 Dealing with Complaints - Initial concerns

2.2 Dealing with Complaints - Formal procedures

Part 3 The Stages of Complaint - Procedures

Part 4 Investigating and Resolving Complaints

4.1 Investigating Complaints

4.2 Resolving Complaints

4.3 Anonymous Complaints

4.4 Vexatious Complaints

4.5 Child Care and Child Protection Concerns

4.6 Time-Limits

Appendix 1 - Complaints procedures

Appendix 2 - Complaint Form

Part 1: Overview

Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England were required, under Section 29 of the Education Act 2002 to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides.

The responsibility for dealing with general school based complaints lies solely with the school. Each school may develop its own complaints procedure.

LA's are already 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. The school based complaints procedure does not replace the arrangements made for those types of complaint. In addition, there are certain complaints which fall outside the remit of the school based complaints procedure, for example, staff grievances or disciplinary procedures. Any third party providers offering community facilities or services through the school premises, or using school facilities will have their own complaints procedure in place.

Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

Part 2: General Principles of complaints

2.1 Dealing with Complaints - The Informal Stage

The requirement to have a complaints Procedure does not affect the desire to resolve any complaints or concerns informally. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The School encourages all parents to endeavour to settle complaints and concerns informally. The School is committed to settle complaints as quickly and fairly as possible. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot. The complainant may contact the school by the method must suitable to them.

2.2 Dealing with Complaints - Formal procedures

The formal procedures will only 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.

At St Andrew's Primary School the Headteacher is the nominated person responsible for the operation and management of the school's complaints procedure.

Part 3: The Stages of Complaint - Procedures

- Stage one: complaint heard by head teacher;
- Stage two: complaint heard by GB's complaints appeal panel.
- See Appendix 1 for outline of procedures

Part 4: Investigating and Resolving Complaints

4.1 Investigating Complaints

It is suggested that at each stage, the person investigating the complaint (the complaints co-ordinator), makes sure that they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);

- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

4.2 Resolving Complaints

At each stage in the procedure the school 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.

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.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

4.3 Anonymous Complaints

Anonymous complaints will not be investigated. Such complaints should be directed to the appropriate LA officers.

4.4 Vexatious 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 the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

4.5 Child Care and Child Protection Concerns

Any complaints about staff conduct, either paid staff or volunteers, teaching and non-teaching that raises child protection concerns will be dealt with under the Local Authority agreed procedures. Such complaints will be raised immediately with the Local Authority Designated Officer.

4.6 Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Appendix 1: Formal Complaints Procedure

Stage One: Complaint Heard by Headteacher

The complainant needs to write to the Headteacher giving details of the complaint (see appendix 2). The Headteacher will seek to resolve the complaint by meeting with the complainant and investigating the complaint.

The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Where the complaint concerns the head teacher, the Headteacher will refer the complainant to the chair of governors. The chair (or nominee) will then conduct stage One.

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 is vital if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stage.

The investigation will begin within 5 school days after receipt of the complaint and will be completed within fifteen days unless the school experiences difficulty or delays in obtaining information from the complainant.

When the complaint investigation is concluded the decision will be relayed in writing to the complainant and any member of staff concerned.

If following Stage One, the complainant is dissatisfied with the way the complaint has been handled at stage one the Chair of Governors must convene a complaints committee of the Governing Body to meet with the complainant to seek further clarification.

Stage Two: Complaint Heard by Governing Bodies Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint (see appendix 2). The Chair, or a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened 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 other panel set up under any other procedure.

The panel will consist of three members of the governing body, but the Headteacher should not be a member of this panel, which must be independent and seen to be impartial. The panel may choose their own chair and appoint a clerk.

The Remit of The Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- 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;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

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

The nominated governor role:

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

The Role of the Chair of the Panel

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

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response, within 5 working days of the meeting.

If any clarification concerning the letter is required the complainant may seek further advice from the chair of the panel.

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.

Appendix 2 - Complaint Form

Please complete and return to Margot Cox (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.

(Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: