



School Complaints Procedure

The legal framework underpinning this procedure is set out in Annex A.

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Part 1: General Principles of complaints

Dealing with Complaints – Initial concerns

1. This procedure distinguishes between a 'concern' and a 'complaint' because taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
2. These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. 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, including apologising where necessary.

Dealing with Complaints – Formal procedures

3. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
4. The School has nominated the Head Teacher to have responsibility for the operation and management of the school complaints procedure. In this context the Head Teacher will be termed the school's 'complaints co-ordinator'. If the complaint is about the Head Teacher the role of 'complaints co-ordinator' will be taken on by the Chair of Governors or a member of the governing body selected by the Chair.

Framework of Principles

5. The aim of this procedure is to:
 - 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 person 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.

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Investigating Complaints

6. At each stage of a complaint, 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.

Resolving Complaints

7. At each stage in the procedure the school will consider 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.
8. Complainants will be 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.
9. The aim will always be to 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.

Vexatious Complaints

10. On occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied, or a complainant tries to reopen the same issue, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

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Time-Limits

11. 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.

Part 2: The Formal Complaints Procedure

The Stages of Complaints

12. The complaints procedures has a number of well-defined stages. A flow chart of suggested stages is attached at Annex C and can be shared with complainants. At each stage it would be helpful to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the headteacher after a meeting with the complainant. Both of these examples could be included.
13. Given the small size of the school there are two stages:
 - Stage One: complaint heard by headteacher;
 - Stage Two: complaint heard by GB's complaints appeal panel;
14. If the complainant is unsatisfied by the outcome offstage one they can take a complaint to the next stage.
15. If the complaint is about the conduct of the headteacher or a governor the first stage will be investigated by the Chair of the Governors.
16. If the Head Teacher or a governor has been involved in the issue previously, the Chair has the discretion to nominate another governor to become involved.

Receiving a complaint

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, all teaching and support staff will be made aware of the procedures, so they know what to do when they receive a complaint.

The school will at all times respect 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 the chair of governors.

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

Governors will 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.

17. The complaints process is summarised in the following table:

Church Preen Primary School Complaints Procedure

Stage One: Complaint Heard by Headteacher (or Chair of Governors as appropriate)

The complaint will be fully documented and investigated so that a full and impartial conclusion to inform the outcome can be made. This stage will be completed within 28 school days, unless there are unavoidable circumstances, for example key contributors are unavailable to provide information.

The outcome will be reported back to the complaint in writing.

Stage Two: Complaint Heard by Governing Bodies Complaints Appeal Panel

If the complainant is dissatisfied with the outcome at stage one, and/or feels that the investigation at stage one was not completed satisfactorily they need to write to the Chair of Governors within the following 28 school days giving full details of why they are appealing. The Chair, or a nominated governor, will convene a GB complaints panel within a further 28 school days.

The governors' appeal hearing is the last stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints will 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 has nominated the 'Governance Committee' with the delegated powers to hear complaints at stage two.

The Committee consists of three people, from who a chair will be selected for each occasion.

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;

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- 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 governors sitting on the panel will ensure:

- a. The appeal hearing is independent and impartial. No governor can 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 will 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 will 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. The 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 will 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, the parent can be offered 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 familiar with the details of this complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The panel meeting at stage two will normally 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.

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

The nominated governor role is to:

- 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 is to ensure 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 14 school days following the meeting. The letter needs to explain that there are no further stages of the appeal procedure.

Part 3 – Managing and Recording Complaints

Recording Complaints

18. The school will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing using the complaint form at Annex D. At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.
19. The complaints co-ordinator is responsible for the records and will hold them centrally.

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Governing Body Review of Complaints

20. The GB will monitor the level and nature of complaints and review the outcomes on annually in the summer term to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole GB will not name individuals.
21. As well as addressing an individual's complaints, the process of listening to, and resolving complaints will 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 will be seen as a useful tool in evaluating the school's performance.

Publicising the Procedure

22. There is a legal requirement for the Complaints Procedures to be publicised. The GB will make details of the Complaints Procedures available in:
 - the school prospectus;
 - the school web site;
 - the information given to new parents when their children join the school;
 - the home-school agreement;
 - a summary of the complaints procedures leaflet which includes the complaint form.

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Annex A

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
 - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;

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Annex B

Checklist for a Panel Hearing

The panel needs to take the following points into account:

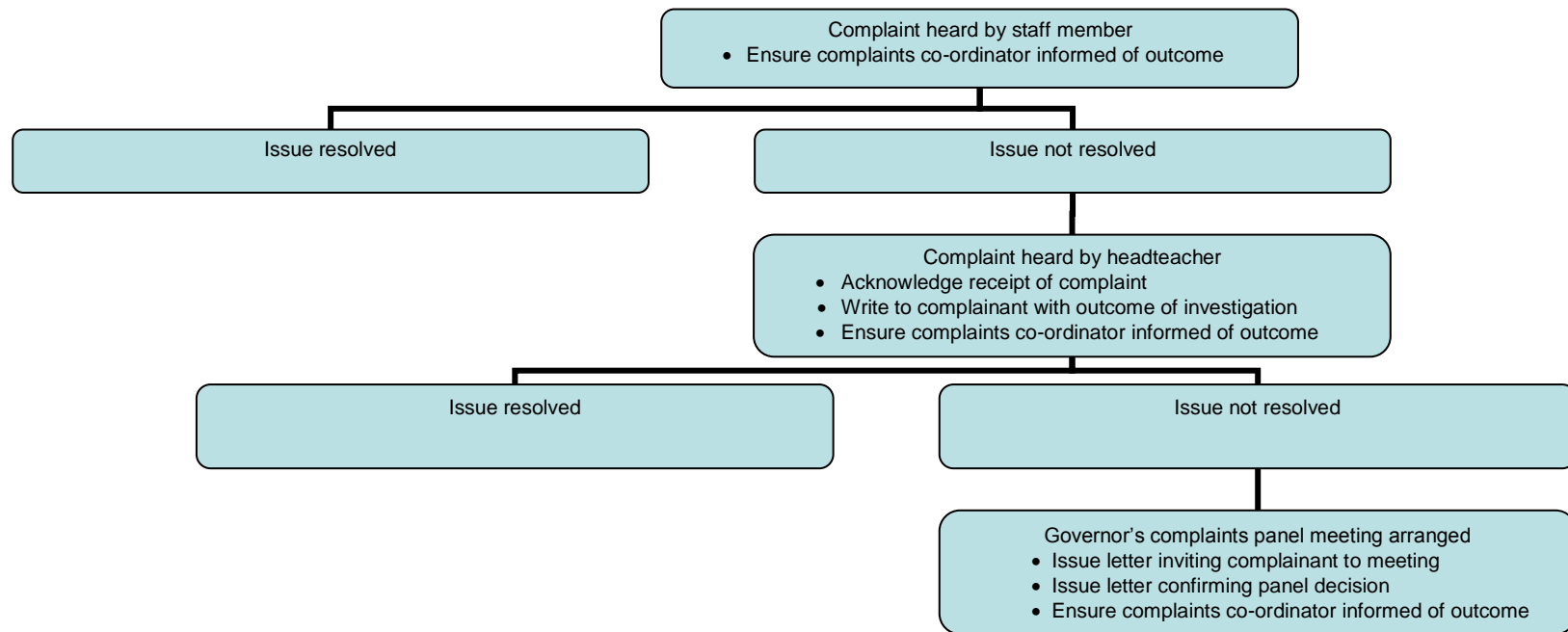
- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant 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.

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Annex C

Flowchart

Summary of Dealing with Complaints



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Annex D

Church Preen Complaint form

Please complete and return to Mrs Duffy, Head Teacher (and 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)?

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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: