

Monks Orchard Primary School

COMPLAINTS PROCEDURE

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Why does the School need a complaints procedure?

Section 29 of the Education Act 2002 requires all maintained school governing bodies to adopt and publicise a complaints procedure for parents. This includes complaints about any community facilities or services that the school provides.

Previous legislation still applies. In particular, 1991 SEN Information Regulations require governing bodies of schools to publicise their complaint procedures in relation to SEN and the 1996 Education Act requires the LA to establish procedures for disputes between schools and parents about SEN provision.

Framework of Principles

The Complaints Procedure aims 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 Leadership Team so that services can be improved.

Investigating Complaints

At each stage, the person investigating the complaint will make 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 are prepared to persist in the questioning;
- keep notes of the interview.

The investigation should be carried out and the outcome communicated to the person making the complaint within twenty school days.

The written response should include a full explanation of the decision and the reasons for it. If additional time is required to formulate a response, this should be explained in writing.

Where appropriate the response will include what action the School will take to resolve the complaint.

The Head Teacher may delegate to another member of staff, the task of collating the information, but not the decision on the action to be taken. Once a decision has been reached, the Head Teacher will ensure that the complainant is clear about the action taken and what to do if the complainant remains dissatisfied.

If the complaint is against the Head Teacher, or the Head Teacher has previously been involved to an extent which would compromise objectivity, the complaint will be investigated by a Governor, selected by the Chair of Governors as being appropriately placed to investigate the issue. In selecting the Governor it should be established that the Governor has not had any involvement with the matter previously. It would be expected that the investigating Governor would draw on professional support available where appropriate (Governor Services, HR etc) to ensure the investigation is conducted with credibility.

Stage 1 - Dealing with complaints - Initial concerns

Any expression of concern should be made to the School at the earliest opportunity. A concern can be defined as a cause of worry, whilst a complaint can be defined as an expression of dissatisfaction or disquiet which may be about an event that has happened, failed to happen or the way in which something was handled. By taking informal concerns seriously at the earliest stage the School aims to reduce the numbers that might develop into formal complaints.

The underlying principle is that concerns will be handled, if at all possible, without the need for formal procedures. Having 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, should receive the first approach. The facts will be clarified and if possible the issue will be resolved through discussion.

A request for a discussion with the Head Teacher or senior staff member may be made before making a formal complaint.

Parents and carers will also be given details of support organisations that may be able to impartially discuss their concerns with them.

Stage 2 - Dealing with complaints - Formal procedures

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.

If a person is not satisfied with the outcome of Stage 1 a complaint should be made to the Head Teacher.

The complaint will be acknowledged within three school days.

Stage 3 - Complaints Appeals

As almost all complaints concern the day-to-day management of the school, few matters should need to go further. However, if a complainant is not satisfied with the outcome of Stage 2, they may make a formal appeal to the Governing Body within ten school days of the decision from the School.

The complaint appeal should be addressed to the Chair of Governors and should set out the reason for the dissatisfaction and what outcomes are being sought.

Sometimes the Chair will be able to diffuse the situation at this point, by speaking with or writing to the complainant and reassuring him or her that the school has taken the complaint seriously. Should however, this not be the case, a Governing Body Complaint Appeal Panel will need to be formed. At Monks Orchard, all non-staff Governors are eligible to join an appeal panel. The Governing Body has delegated the authority to the Chair to form an appeal panel. Membership of the panel will be determined by the Chair of Governors with support of the Clerk, embodying principles of fairness and equality. The appeal panel will consist of a minimum of three people. A majority must be Governors; at least one member should be a parent of a pupil at the School and in addition a person who is not a Governor should be appointed to the Panel. Examples of such roles may include a parent of a child at the school who teaches elsewhere and therefore balances both staff and parent perspectives, or someone with subject matter expertise in the subject of the complaint.

None of the Complaint Appeal Panel will have had any previous involvement in the complaint.

The Governing Body should deal with and respond fully to formal complaint appeals within twenty school days of the written complaint appeal being received. If this is not possible the complainant will be given the reasons for the delay and kept informed of progress.

In the case of a complaint against the Head Teacher, if the Head Teacher is not happy with the findings of the investigation, they may appeal to the Governing Body, which will form a committee to consider the issue as with an appeal by the complainant.

The panel can

- dismiss the complaint appeal in whole or in part
- uphold the complaint appeal 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 Panel's Decision

The Chair of the Panel should ensure that the complainant and the Headteacher are notified of the Panel's decision, in writing, within 10 school days of the panel concluding its considerations. The letter needs to explain that any further appeal should be addressed to the Secretary of State for Education.

Stage 4 - Complaint to Secretary of State for Education

If all attempts to resolve the complaint have been unsuccessful a complaint can be referred to the Secretary of State:

Tel: 0370 000 2288
Email: info@dfes.gsi.gov.uk
Letter: Sanctuary Buildings, Great Smith Street,
London, SW1P 3BT.
Web site: www.education.gov.uk

Individual issues are unlikely to be investigated, but the School's policies and procedures can be inspected and their use investigated.

Resolving Complaints

Prior to a complaint being escalated to involve a formal hearing, the School will 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.

Complainants are 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 liability.

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.

Vexatious Complaints

If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there may be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. A vexatious complaint is likely to involve some or all of the following:

- the complaint arises from a historic and irreversible decision or incident;
- contact with the School is frequent, lengthy, complicated and stressful for staff;
- the complainant behaves in an aggressive manner to staff when he/she presents his/her complaint or is verbally abusive or threatening;
- the complainant changes aspects of the complaint partway through the complaint process;

- the complainant makes and breaks contact with the School on an ongoing basis; or
- the complainant persistently approaches the School (and in some cases the Local Authority) through different routes about the same issue in the hope of getting different responses.

If the situation is challenging, but it is possible to proceed, staff should avoid giving unrealistic expectations on the outcome of the complaint. In instances where there is a complete breakdown of relations between the complainant and the School, a decision may be made to restrict contact. Any restrictions imposed will be appropriate and proportionate. The School will consider:

- requesting contact in a particular form (e.g. letters only);
- requiring contact to take place with a named member of staff (e.g. Head Teacher);
- restricting telephone calls to specified days and times;
- asking the complainant to enter into an agreement about his/her future contact with the School; and
- informing the complainant that if he/she still does not follow this advice (as stated above) any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged, but should be kept on file.
- if the complainant tries to reopen an issue that has already been examined through the complaints procedure, 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.

Time-Limits

Complaints need to be considered and resolved as quickly and efficiently as possible. The complaints procedure aims to 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.

The School will not normally consider complaints made twelve months or more after the event complained of.

Recording Complaints

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. 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 can be kept and a copy of any written response added to the record.

Governing Body Review

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Wherever possible, complaints information shared with the whole Governing Body will not name individuals.

As well as addressing an individual's complaint, 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 Governing Body is a useful tool in evaluating the School's performance.

Publicising the Procedure

There is a legal requirement for the Complaints Procedure to be publicised. The School will do this in various ways as follows:

- on the School website;
- in the School prospectus;
- in the Governors' report to Parents;
- the information given to new Parents when their children join the school;
- the information given to the children themselves;
- in the home-school agreement;
- in documents supplied to community users including letting agreements;
- in a specific complaints leaflet;
- on posters displayed in areas of the School that will be used by the public, such as reception or the main entrance;

How the School will handle complaints made by:

1. A member of staff about another member of staff or the Head Teacher?
2. A member of the Governing Body about a member of staff?
3. A member of staff about a member of the Governing Body?
4. A member of staff about the action/decision of the Governing Body?
5. Members of the public (not parents)?
6. A parent whose child no longer attends the School?

1 Complaint made by one member of staff against another (including the Head Teacher)

Complaints from members of staff are not covered by this procedure. They will be dealt with by the Head Teacher (where appropriate) or the Chair of Governors informally in the first instance. If this approach fails to resolve the issue, the next step would be for the Staff Grievance Procedure to be invoked (by the person bringing the grievance).

2 Complaint made by a Governor about a member of staff

This will be dealt with through the complaints procedure outlined in this document. Clearly the Governor concerned would have to withdraw from any meeting at which the complaint or its outcome was being discussed. If the complaint is related to the *conduct* of a member of staff, it would be more appropriate to invoke the School's Disciplinary Procedures.

3 Complaint by a member of staff against an individual Governor acting in a personal capacity

The Chair of the Governing Body (or the Vice-Chair if the complaint is against the Chair) should attempt to resolve the matter informally. If such a resolution is not possible, and with the agreement of the Governor concerned, a Panel of Governors could be set up to consider the matter as under the normal complaints procedure in this document.

4 Complaint by a member of staff against the action/decision of the Governing Body

If the decision was taken at a meeting of the full Governing Body the matter would have to be put on the agenda for review at another meeting and if the decision was then confirmed that would be the end of the matter. (For this reason it is important that matters that could potentially lead to a complaint or appeal are routinely dealt with by a committee with delegated authority, in order to allow for an appeal or a rehearing by an unprejudiced second group of Governors). If a committee or individual with delegated authority took the original decision then a Panel of Governors who were not involved in the decision should review the matter, ensuring that the member of staff concerned was given an opportunity to state his/her case to the Panel. Any decision by the Panel would be final.

5 Complaint by a member of the public (not a parent)

Complaints from members of the public are most likely to be dealt with by the Head Teacher and beyond that the Chair of Governors.

6 Complaint by a parent whose child no longer attends the school

The purpose of this complaints procedure is to ensure that if an error has been made, or an injustice done, some action can be taken to remedy matters for the injured party. Where parents have removed their child from the School it is clearly impossible for the Governing Body to put things right for that child. However, the Governing Body has a duty of care to the pupils who remain on roll and it would be advisable for Governors to investigate the circumstances to satisfy themselves that no-one had acted inappropriately and that procedures and policies had been followed correctly. Whilst it is not necessary to convene a Governor's Complaint Panel, it would be good practice to inform parents whether the complaint had been upheld or otherwise and of any changes to practice and procedures which have been agreed by the Governing Body.

What complaint/appeal procedures are NOT covered by this document?

This complaints procedure does not cover:

- Child Protection Procedures
- Appeals about admissions (refer to special appeals panel)
- Appeals to the Governors Discipline Committee against permanent exclusion from school.
- Staff Disciplinary Procedures
- Curriculum matters (refer to the LA)
- SEN Statemented children (refer to special appeals panel)
- Complaints about the whole school (refer to OFSTED)

What is the position of Staff complained about?

Under this complaints procedure any member of staff who is the subject of a parental complaint will have the opportunity to respond to the complaint during its investigation. They should also be able to see any response sent to the complainant as a result of the investigation.

There is an entirely separate procedure for schools to follow in dealing with staff disciplinary matters. Therefore, if in the course of considering a complaint the investigator concludes that disciplinary procedures should be initiated, they will take separate action.

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 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; 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.

