

All Hallows' C.E. (VA) Primary School



Complaints

A Procedure for School Staff or Governors in Dealing with Complaints

**Adopted by Governing Body of
All Hallows' CE (VA) Primary School**

Agreed Autumn 2018

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About the Complaints Procedure

It is the responsibility of individual schools to respond to complaints about the school.

The school also has a duty under Section 29 of the Education Act 2002 to have and make available a procedure to deal with all complaints relating to the school and to any community facilities or services that the school provides. A copy of this document is available on the school's website.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions) (See Appendix B). The school will not limit complaints to parents or carers of children that are registered at the school.

Pupils, parents or carers can make a complaint to the school about most aspects of its function including:

- Attitude / behaviour of staff
- Teaching and learning
- Application of behaviour management systems
- Bullying
- Provision of extra-curricular activities

In maintained schools the Local Authority retains responsibility for:

- The National Curriculum
- Collective Worship in schools
(In the case of denominational schools, concerns relating to worship and spiritual matters may be referred to the relevant Diocese or Archdiocese.)
- Provision of support services e.g. SEN, education welfare, educational psychology

Complaints about these matters should be referred to the relevant officer in the Directorate for Children & Young People.

Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about e.g.

- Behaviour of pupils during break-times
- Disturbance to neighbours during school hours
- Health and Safety issues of premises
- Behaviour of staff

Schools are not responsible for the actions or behaviour of pupils outside school hours.

Legal, child protection or staff disciplinary proceedings take precedence over complaints procedures and timescales.

The difference between a concern and a complaint.

A 'concern' may be defined as:

'An expression of worry or doubt over an issue considered to be important for which reassurances are sought.'

A complaint may generally be defined as:

'An expression of dissatisfaction however made about actions taken or a lack of action.'

(Best Practice Advice for School Complaints Procedures 2016 – DfE)

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Informal concerns will be taken seriously by the school.

Where complainants wish to raise concerns formally, the school's formal procedure will be invoked through the stages outlined.

General principles

The school will endeavour to:

- welcome complaints as a positive means of promoting satisfaction;
- use complaints as a way of identifying opportunities to do things better;
- listen to complainants;
- seek to resolve complaints swiftly;
- reply with an acknowledgement email, phone call or letter in the first instance;
- have clear, simple to understand and use, published procedures for making complaints; (schools are required by law to have, and to make available to parents, their complaints procedures)
- keep complainants informed about progress;
- provide redress where a complaint is found to have substance;
- regularly review how effective the complaints procedure is.

Investigating complaints

The person who takes forward the first formal procedure will make sure s/he:

- establishes what has happened so far and who has been involved;
- clarifies the nature of the complaint and what remains unresolved;
- meets the complainant or contacts them if further information is required;
- clarifies what the complainant feels would put things right;
- interviews those involved with an open mind;
- keeps notes of any interviews;
- keeps the Chair of Governors informed without giving any details at this stage.

Resolving complaints

At each stage, the school will keep in mind ways the complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. It might also be appropriate to offer:

- 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 taken to make sure it will not happen again;
- an undertaking to review school policies in light of the complaint.

The school will encourage complainants to state what actions they feel might resolve the problem at any stage. ***Please remember: an admission that the school could have handled the situation better is not the same as an admission of negligence.***

Complaints Procedures

Stage 1 – Complaint heard by a staff member

If a person wishes to make a complaint, they will be asked to complete the form from Annex A outlining the date and nature of the complaint, supporting evidence and suggestions for how the complainant thinks the situation can be rectified.

It is in everyone's interest to resolve complaints at the earliest possible stage. If a complainant feels that they would have difficulty discussing a complaint with a particular member of staff, the school will offer to refer the complaint to another member of staff. If the complaint is about the Headteacher, the complaint will be referred straight to the Chair of Governors.

If the staff member directly involved feels compromised and unable to deal with the matter, the matter will be referred to another staff member. This does not have to be a more senior member of staff; the ability to consider a complaint objectively and impartially is more important.

If a complainant approaches a governor in the first instance, the complainant should be referred to an appropriate member of staff. Governors should not act on individual complaints outside the formal procedure or be involved in the early stages in case they need to sit on a panel at the later stage.

Stage 2 – Complaint heard by the Headteacher

The Headteacher will shape the way complaints are handled in school. If the Headteacher is not immediately available, the Deputy Headteacher or if she is not available, the school administrator will be the people who make the initial response to the complainant in the interim. The Headteacher should be kept informed of any investigation carried out in her absence and should be involved in the final decision.

If the complaint is by letter, the Headteacher will acknowledge the complaint within 3 school days. The acknowledgement will include a summary of the complaints procedure and a target date of 15 school days for providing a response. If this date cannot be met, the complainant will be contacted and given a reason for the delay and a revised target date.

The Headteacher will meet with the complainant to discuss their concerns and find solutions. The complainant may bring a friend, family member or advocate to the meeting and interpreting services will also be made available where necessary. The Headteacher may choose to have another member of staff present to observe and record the meeting and promote staff safety. Care will be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The Headteacher will make whatever enquiries she considers necessary to ascertain the facts and the legitimacy of decisions taken. These may include:

- Interviewing staff / pupils
- Reviewing minutes of meetings
- Reviewing school records

Pupils will be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents. Again, care should be taken in these circumstances not to create an intimidating atmosphere.

It is important that the Headteacher investigates complaints thoroughly and objectively. If she feels unable to do this (e.g. if she has been directly involved in the decision making process that led to the complaint) she will delegate responsibility for investigating the complaint to another member of the management team or the Chair of Governors. The Headteacher (or designated person) will keep a record of interviews, telephone conversations and other documentation.

Once all the relevant facts have been established, the Headteacher will provide a written response to the complainant. This will include a full explanation of decisions taken and the reasons for them. Where appropriate, it will include details of actions the school will take to resolve the complaint.

It may be useful at this point to offer the complainant a meeting to discuss the response and seek reconciliation. The complainant will be provided with details of how to contact the Governing Body if they are not satisfied with the response.

Stage 3 – Complaint passed to Chair of Governors

The Chair of Governors decides whether to convene the Complaints Committee to look into the complaint or commission the LA to start an investigation. If the complaint is about the Headteacher then the Chair will pass it directly to the LA.

Complaints should not be shared with the whole governing body, except in very general terms, in case an appeals panel needs to be organised.

Stage 4 - The Governors' Complaints Committee

If the Complaints Committee is activated this is the last school based stage of the process and should not be perceived as a rubber stamp exercise.

The constitution of a complaints committee

In appointing members to the complaints committee, consideration must be given to the possible need for further action by the staff disciplinary/dismissal committees with regard to the issue of tainting other committees. With that in mind, the complaints committee should be small and constituted as follows:

- That a minimum of 3 governors be appointed, with a quorum of 3
- That the committee, when it meets, includes at least one parent governor
- That governors who are employed to work at the school or who may have a direct involvement or prior knowledge of the case, are precluded from membership
- That the committee has delegated powers. As such it needs formal notice, an agenda and brief minutes (care needs to be taken about the content of minutes re: tainting, when reporting back to the full governing body)
- If the governing body has not appointed a chair, or the chair is not available, the committee shall appoint one of their number to be chair.

The chair of the complaints committee should contact the complainant and invite them to a meeting.

If the whole governing body is aware of the substance of a complaint before the final stage has been completed, the school should arrange for an independent panel to hear the complaint. This

may be provided by a different school, Governing Bodies team at the LA or the Diocese. Complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings but ultimately the decision is made by the governors.

The meeting should allow for:

- the complainant to explain their complaint and the Headteacher to explain the school's response*;
- witnesses to be brought by the complainant or the Headteacher;
- the Headteacher and the complainant to ask questions of each other and any witnesses;
- the committee to ask questions of the complainant, Headteacher and any witnesses;
- the complainant and the Headteacher to summarise their position.

** There may be situations in which it is not appropriate for the complainant and/or the headteacher to meet in the same room or one or other party refuses to do so. In these cases, the complaints committee should make arrangements such that views and questions may still be provided to and from the committee by the separate parties, possibly in separate rooms or at separate times.*

Having considered all the evidence and questioned all parties, the Committee can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to resolve the complaint;
- recommend changes or actions to school system and procedures to make sure that similar problems do not recur;
- request an investigation by an officer of the local authority.

Brief minutes of the meeting should be made, regarding the date, time and place of the meeting; people present; a brief account of the complaint; a brief account of the headteacher's decision; a record of the committee's decisions. The minutes should not refer to people by name but by initials and will be resolved to be 'not available to the public at the school'.

A written response detailing the decisions, recommendations and the basis on which these have been made will be sent to the complainant within 15 school days.

The Complaints Committee should feedback to the Headteacher and governors who may choose to revisit or review their policies.

The school will retain a copy of all correspondence and records of meetings. Complainants have a right of access to these records under the Freedom of Information and Data Protection Acts.

If the complainant remains dissatisfied with the outcome they should be notified of the right to appeal to the Secretary of State for Education.

A complaint may be made to the Secretary of State for Education if a person believes a governing body or LA is acting unreasonably or is failing to carry out its statutory duties properly. In academies the YPLA handles complaints on behalf of the Secretary of State. The complaint should set out fully the concerns and reasons why the complaint is being submitted, enclosing all previous correspondence relevant to the complaint. The complaint should be mailed to the Department.

Ofsted has powers to investigate certain complaints by parents about their child's school for the purpose of deciding whether to use its inspection powers. For further information see the Ofsted website:

<http://www.ofsted.gov.uk/resources/complaints-ofsted-about-schools-guidance-for-parents>

Parents may also comment on their view of the school under twelve headings on Parent View:

<http://parentview.ofsted.gov.uk/>

Withdrawing a Complaint

Complaints may be withdrawn in writing at any time.

The Headteacher and Chair of Governors will review the issue of concern and consider whether further investigation is required through other internal management systems.

The Complainant should be notified of the right to appeal to the Secretary of State for Education or the Local Government Ombudsman if they are unhappy with the way in which procedures have been carried out.

APPENDIX A

All Hallows' C.E. (VA) Primary School



Longcroft, Almondbury, Huddersfield, W. Yorkshire HD5 8XW

Tel: 01484 431700

Email: office.almondburyinf@kirkleeseducation.uk

Complaints

We are very sorry that you are dissatisfied with an aspect of the school's work. Please will you complete this form identifying what has gone wrong and suggesting how the matter might be resolved in order to help us to avoid making the same mistake again and to help us to further improve our work.

Once we have received your completed form we will look further into your complaint and then arrange to meet with you to discuss the difficulty you have experienced, what we have learned from our enquiries, and, hopefully, to agree a resolution to the problem.

When complete, please return this form to the School Office. Thank you in anticipation of your co-operation.

Please tell us:

Your name: (please print).....

1. The date and time of the incident.....

Specifically, what we have done wrong or have failed to do.

OR

State the name of the individual who has given rise to your concerns and describe what they have done.

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Please feel free to continue on additional sheets, if required.

Complaints (cont.)

2. Please record the evidence that supports your concerns.

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3. Can you suggest anything that we could do to put the matter right and / or prevent it recurring?

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If you have a child in school please complete the details below:

Your child's name and class (please print).....Class.....

Your name and your relationship to the child named above (please print):

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Your signature.....

Date.....

Thank you for taking the time to help us improve our work.

The staff and governors of All Hallows' CE (VA) Primary School

APPENDIX B

Complaints not in the scope of the Procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation. 	<p>Concerns should be raised direct with Kirklees.</p>
<ul style="list-style-type: none"> • Exclusion of children from school. 	<p>Further information about raising concerns about exclusions can be found at: www.gov.uk/school-discipline-exclusions/exclusions</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on 0300 123 3155, via whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WHBL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use the school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

APPENDIX C

The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have a right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers all complaints relating to maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of the schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear that the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure they may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with his or her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on: 0370 000 2288 or going on-line at: [www.education.gov.uk /help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

APPENDIX D

Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he / she:

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Complaints Co-ordinator (or Headteacher)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records
- be aware of issues regarding:
 - sharing third party information;
 - additional support – this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The investigator is the person involved in Stages 1 and 2 of the procedure. The investigator's role can include:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - consideration of records and other relevant information;
 - interviewing staff and children and other people relevant to the complaint;

- analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Panel Clerk (this could be the Clerk to the Governors or the Complaints Co-ordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected 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;
- circulate the minute of the panel hearing;
- notify ll parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without due interruption;
- the issues are addressed;
- key findings of fact are made;

- parents / carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child or young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give every opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that:

- it is important that the review panel 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.

- 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 must 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.

- many complainants will 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.
- Extra care needs to be taken when the complainant is a child or young person and present during all or part of the hearing.

Careful consideration of the atmosphere and proceedings will ensure that the child or young person does not feel intimidated. The panel should respect the views of the child or young person and give them equal consideration to those of adults.

If the child or young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child or young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child or young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child or young person to attend part of the meeting which the panel considers not to be in the child or young person's best interests.

The welfare of the child or young person is paramount.