

# Oak Lodge Primary School

# Complaints Procedure

	<b>Name</b>	<b>Date</b>
Policy written by	Janet Barrett	January 2006
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## **School Complaints Procedure**

### **1. PURPOSE**

To establish a procedure for dealing with complaints relating to the school, as required by section 29(1) (a) of the Education Act 2002.

### **2. SCOPE**

All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters relating to exclusions and admissions which are subject to separate procedures.

### **AIMS AND OBJECTIVES**

Our school aims to be fair, open and honest when dealing with a complaint, whilst respecting confidentiality. 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 and, 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.

### **3. GENERAL PRINCIPLES**

An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.

To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.

Investigation of any complaint or review request will begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

### **4. STAGES OF THE PROCEDURE**

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, staff should know the Complaints Procedure so they know what to do should they receive a complaint. A complaint may be made in person, by telephone or in writing, but it may be helpful to use a standard form and this is attached at Appendix 2. Time also needs to be allowed for the Head Teacher to implement any changes following a complaint being upheld. A flow chart of suggested stages can be found at Appendix 3.

#### **4.1 Stage One: Complaint Heard by Staff Member**

The Head Teacher will receive complaints in the first instance. Normally the parent would be directed to take the complaint to the member of staff involved. The views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff should be respected and in these cases, the complainant can be referred to

another staff member. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complainant may be referred 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 complaint concerns the Head Teacher, the complainant should be advised to write to the Chair of Governors directly.

Where the first approach is made to a Governor, he or she should refer the complainant to the Head Teacher and advise the parent about the school's procedure. Individual Governors should 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. Most complaints will be resolved at this informal stage.

#### **4.2 Stage Two: Complaint Heard by Head Teacher**

At this point, as well as pursuing their initial complaint, the complainant may be dissatisfied with the way the complaint was handled at Stage 1. The Head may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. The Head should investigate the complaint, review all the information and discuss the findings, together with any recommendations or apology, with the complainant. Reconciliation should be achieved at this stage. If the complaint relates to the alleged conduct or capability of a member of staff, which could result in disciplinary action, the complaints process should be replaced by appropriate line management and disciplinary procedures. **As almost all complaints concern the day-to-day management of the school, few matters should need to go further.**

#### **4.3 Stage Three: Complaint Heard by Governing Body's Complaints Appeal Panel**

If the complainant remains dissatisfied, he/she should write to the Chair of Governors giving details of the complaint within fourteen school days of the last date on which the Headteacher responded to the parent about the issue in question. 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. This may be sufficient to satisfy the complainant. Should, however, this prove not to be the case, the Chair, or a nominated Governor, will convene a Governing Body (GB) Complaints Appeal Panel, normally within twenty-one school days of the Chair's receipt of the written complaint. The Panel can be drawn from the nominated members and may consist of three or five Governors. If the Chair has heard the complaint informally as described above, the Chair must not, of course participate in the Panel Hearing. The Panel may choose its own chair. Individual complaints should never 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 Governors' appeal hearing is the last school-based stage of the complaints process, and is not convened merely to rubber stamp previous decisions. The procedure adopted by the Panel for hearing appeals is set out at Appendix 6.

## **5. 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 Appeal 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 he or she has 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 comprises a cross-section of the categories of Governor and is sensitive to issues of race, gender and religious affiliation.
- b. The aim of the hearing, which should 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 his/her favour. It may, however, 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 appears appropriate and not adversarial.
- d. The Governors sitting on the Panel need to be aware of the entire complaints procedure.

A checklist for a Panel Hearing is attached at Appendix 6.

## **6. ROLES AND RESPONSIBILITIES**

### **6.1 The Role of the Clerk**

The Complaints Appeal Panel should be clerked. The clerk would be the contact point for the complainant at the third stage 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 all of 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.

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

- check that the complaints procedure has been correctly followed to this point;
- if a hearing is appropriate, notify the clerk to arrange the Panel.

## 6.3 The Role of the Chair of the Panel

Ensure that:

- 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;
- the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the issues are addressed;
- key findings of fact are made;
- the hearing is conducted in an informal, although structured, manner, with each party treating the other with respect and courtesy;
- 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 all parties should be given the opportunity to consider and comment on it;
- the Panel is seen to be open minded and acting independently.

## 7. NOTIFICATION OF THE PANEL'S DECISION

The Chair of the Panel should ensure that the complainant and the Head Teacher are notified of the Panel's decision, in writing, within a set deadline, which is publicised in the procedure. The letter needs to explain that any further appeal should be addressed to the Secretary of State for Education.

A model letter is included in the appendices.

### Notes:

The complainant is not entitled to access any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential. If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education and Skills.

This model is based on a procedure published by the Department for Education, arising from Section 29 of the Education Act 2002 and recommended to Governing Bodies, as approved by the Council (Bromley) on 22.3.04.

### Appendices

Appendix 1	Investigation Procedure
Appendix 2	Model Complaint Form
Appendix 3	Model School Complaints Procedure Flowchart
Appendix 4	Model Response to Spurious Complainant
Appendix 5	Model Notification of Decision Regarding General Parental Complaint
Appendix 6	Checklist for a Panel Hearing

Appendix 7	Model Review Outcome Notification
Appendix 8	Model Paragraph for Inclusion in School Prospectus

N.B. Appendices 4–7 are not included in staff file copies of this document.

Date Policy Approved: November 2006

Date Policy Reviewed: January 2013

Date Policy Reviewed: January 2016

Date of Next Review: January 2019

## **Appendix 1 – Investigation Procedure**

### **Carrying out an Investigation into a Formal Complaint**

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.

- Any procedure should include provision that “An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.” These would include serious concerns such as Child Protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
- Where the Head Teacher or Chair of Governors receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.
- The member of staff against whom the complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.
- It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant.
- Once the complaint has been confirmed the investigator should establish who they wish to interview and what documentation they will need to review.
- Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.
- The complainant and the member of staff should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.
- The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.
- Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.
- Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.
- In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to “lead” them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.
- Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information

relating to other members of staff or to issues unrelated to the complaint should be resisted.

- The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.
- A summary of the process undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.
- Any recommendations should also be shared with the parties, unless there is good reason not so to do. Wherever possible, recommendations should be constructive and not punitive.
- The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Governing Body.
- The Governing Body should ask its legal advisors to express a view on the retention of records of any complaints procedure. The most extreme stance would be that: "All documentation relating to the complaint and its investigation and outcomes should be stored securely for a period of six years. [Where the complaint is on behalf of a child, then the school may wish to retain the documentation until 6 years after the child has attained the age of 18]"

**Appendix 2 – Model Complaint Form**

**Oak Lodge Primary School Complaint Form**

Please complete this form and return it to Head Teacher/Clerk to Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school (e.g. parent of a pupil on the schools roll)

.....

Pupil's name (if relevant to your complaint)

.....

Your Address:

Daytime telephone number: ..... Evening telephone number: .....

Email address: .....

Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional paperwork, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

Signature:

Date:

School use:  
Date Form received:  
Received by:  
Date acknowledgement sent:  
Acknowledgement sent by:

Complaint referred to:			
Date:			

**Appendix 3 – Model school Complaints Procedure Flowchart**

