



ST MICHAEL'S R.C. PRIMARY

Complaints procedure

The need for a General Complaints Procedure

Governing Bodies of schools are required by law under Education Act 2002 (Section 29) to establish procedures for dealing with complaints. The following procedure (prepared by the LA, based on model procedures promoted by the DfES and agreed by Teachers Associations at a local level) has been adopted by the governors of St. Michael's.

Schools need to be clear about the difference between a **concern** and a **complaint**. Concerns should be handled if at all possible, without the need for formal procedures. In most cases, the class teacher will receive the first approach and may be able to resolve an issue immediately. The existence of a complaints procedure should not be seen as a way of undermining efforts to resolve a concern informally.

The formal complaints procedure will need to be used where initial attempts to resolve the issue have been unsuccessful and the person raising the issue remains dissatisfied and wishes to take the matter further.

General Principles

The procedure for handling complaints is intended to: -

- be easily accessible and well publicised
- be simple to understand and use
- allow complaints to be dealt with speedily and consistently with fairness to all concerned
- ensure a full and fair investigation
- respect individuals' desire for confidentiality
- address the key issues raised, provide an effective response and appropriate action
- be used by staff and governors appropriately and confidently.

Who is the procedure for?

The procedure is for parents, carers and members of the public to use to raise informal and formal complaints with the school and the Governing Body. Complainants will be treated seriously and courteously and given the time they need to be heard. It is important that complainants have confidence in the procedure and know that their concerns and complaints will be investigated fully and impartially.

If a complainant needs some kind of support in order to raise a concern or complaint, then every effort should be made to ensure this is available to enable them to fully participate in the process. (This could include provision of a translation of the procedure, provision of an interpreter etc.).

What is not covered by the procedure?

The procedure does not cover complaints that relate to those matters outlined below, for which there are separate arrangements. Where a complaint is made and subsequently found to fall within one of these categories, it will be investigated in accordance with the appropriate procedures, and the complainant will be notified accordingly.

Child protection issues; SEN and appeals to SEN tribunals; the curriculum; temporary disapplication of the National Curriculum; school admissions and admission appeals; staff disciplinary and grievance matters

If the complaint is of a serious nature or if you are unsure as to whether it should be dealt with under the general complaints procedure you should seek advice from the LA. The contact within the LA for advising on matters relating to complaints is Jane Whittam (Complaints and Communications Co-ordinator) in Children's Services. Telephone: 0161 253 5529.

If at any point during the procedure it becomes apparent that the complaint is potentially a disciplinary matter **relating to a member of staff**, the procedure should be stopped and advice sought from the LA. All parties should be notified.

COMPLAINTS PROCEDURE

STAGE ONE – INFORMAL

Anyone (parents, carers or members of the public) must feel able to raise a concern or make a comment about what goes on in school with members of staff, the Head Teacher, or other nominated senior member of staff, without formality. They should be readily able to find out how to do this and may do so in person, by telephone or in writing.

Most concerns, comments and complaints can be resolved informally by contacting a member of staff, the Head Teacher or other nominated senior member of staff at the school, and do not develop into formal complaints. **Anyone who wishes to see a member of staff should make an appointment to meet with the member of staff at an agreed time. The member of staff can request to be accompanied by a colleague or representative from their professional association if they wish.**

If a member of the Governing Body is contacted about a matter concerning the day to day running of the school, the Governor should refer the person to the Head Teacher or other nominated senior member of staff and not become further involved. At this stage, it may be unclear whether the person is seeking information, making a comment or making a complaint.

If the member of staff first contacted cannot deal with the matter personally, he/she may need to refer the matter to a colleague. Before doing so, the nature of the concern should be clarified, details recorded (name of person, contact address or phone number, nature of concern, date when concern raised and date(s) of any relevant incident or event) and the person must be notified of the likely time-scale of a response.

If the matter cannot be resolved at this stage, and the person wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint.

STAGE 2 – FORMAL COMPLAINT

Whilst informal complaints can be made in person, by telephone or in writing, all formal complaints should be submitted in writing to the Head Teacher, unless the complaint is in respect of the Head Teacher, in which case it must be submitted to the Chair of Governors.

Who will deal with the complaint?

- The Head Teacher or other nominated senior member of staff
- The Chair of Governors if the complaint is in respect of the Head Teacher

What happens next?

The complaint must be acknowledged in writing within five working days of receipt giving a brief statement that the complaint is now at stage two, a target date for providing a response (normally within 20 working days, but if this is not possible, a written explanation giving the reason for the delay and a revised target date), an invitation for the complainant to provide or discuss any supplementary information.

The person dealing with the complaint will arrange for the complaint to be investigated and may seek additional information. Written records of all meetings, telephone conversations and other documentation relevant to the investigation must be kept.

Once all the relevant facts have been established, the person dealing with the complaint will make a decision about whether or not to uphold the complaint.

The decision will be recorded in a written response, which, subject to any requirement to maintain confidentiality will include the following

- a) a full explanation of the decision,
- b) any action taken or proposed to be taken,
- c) details of any requests made to the person complained against to take particular actions to resolve the complaint,
- d) the availability of the next stage of the procedure if the complainant continues to be dissatisfied.

Where the complaint is investigated in accordance with other procedures, as outlined above, the complainant will be informed that this is the case and there will be no requirement to provide any further information. In such instances it is sufficient to inform the complainant that action has been taken in accordance with the appropriate procedures.

STAGE THREE – COMPLAINTS SUB-COMMITTEE

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Body Sub-Committee.

The Governing Body Complaints Sub-Committee is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Governing Body 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. Governing Bodies are advised therefore to have a clear protocol for which Governors may sit on a Complaints Sub-Committee, Staff Discipline Sub-Committee and Appeals Sub-Committee. Other procedures may mean that the outcome of the investigation may need to remain confidential.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include drawing up its procedures; hearing individual complaints; making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing complaints would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

REMIT OF THE COMPLAINTS SUB-COMMITTEE

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.

* Dependant upon the nature of the complaint and the required course of action, the matter may need to be referred back to the Head Teacher, for

the appropriate course of action to be determined in accordance with other procedures.

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

It is important that the complaint 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.

The aim of the hearing, which needs to be held in private, and the proceedings to remain confidential, 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.

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.

Extra care needs to be taken when the complainant is a child. Consideration needs to be given to whether it is appropriate for the child to be present other than to present evidence or answer questions. Careful consideration should be given to the atmosphere and proceedings to 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.

The governors sitting on the panel need to be aware of the complaints procedure.

COMPLAINTS SUB-COMMITTEE PROCEDURE

Within ten working days the Chair of Governors or a nominated Governor will arrange a meeting of the Governing Body Complaints Sub-Committee. A letter should be sent to the complainant, any person complained about and the person who conducted the investigation inviting them to attend the meeting. (The complainant and any person complained about should be informed of their right to be represented at the meeting).

At the meeting

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 Decision

Within 10 working days of the Sub-Committee meeting the complainant will receive a written response which will include:

- the decision of the Sub-Committee (with reasons)
- any action taken or proposed to be taken by the Committee, subject to any requirement to maintain confidentiality.
- details of any request made to the person complained against to take particular actions to resolve the complaint
- details of what to do next if the complainant continues to be dissatisfied.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Any member of staff against whom a complaint is made should be invited to attend the hearing and/or to be supported/represented by a colleague or professional association.
- 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 Head Teacher/the person who investigated the complaint may question both the complainant and the witnesses after each has spoken.
- The Head Teacher or the person who investigated the complaint is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question either the Head Teacher or the person who investigated the complaint 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 Head Teacher or the person who investigated the complaint is then invited to sum up the school's actions and response to the complaint.
- Both parties leave the hearing for a short period during which time they can be called back to clarify issues. Thereafter both parties will be invited to leave together while the panel decides on the issues.
- The panel will decide on the matter and this will be confirmed. The chair explains that both parties will hear from the panel in writing within 10 working days.

STAGE FOUR

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will 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 Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

There is **NO** right of appeal to the Local Authority if the complainant is still dissatisfied. The complainant may pursue the complaint with the Secretary of State for Education at the following address:

Secretary of State for Education
DFE
Sanctuary Buildings
Great Smith Street
Westminster
London
SW1P 3BT

METROPOLITAN BOROUGH OF BURY

St Michael's R.C. Primary School

Model complaint form

Please complete and return this form to the Head Teacher who will acknowledge receipt and explain what action will be taken.

Your name:

Address:

Telephone (Daytime):

(Evening):

E-mail:

Your child's name:

Year group:

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 their response?

What actions do you feel might resolve the problem?

Signature.

Date.