



# Mary Swanwick Primary School

## Complaints Procedure

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## COMPLAINTS PROCEDURE

### Informal Stage

In most cases complaints are successfully resolved informally by teachers, senior managers and Headteachers. Complaints should, therefore, initially be directed to the Headteacher.

Note: If the complaint is about the Headteacher then the process moves to formal stage 2.

The Headteacher will:

Either

Encourage the complainant and member of staff to discuss the complaint and resolve it informally.

Or

If the complainant has already discussed their complaint with the member of staff, or that would be inappropriate, discuss the complaint with the complainant and resolve it informally, or arrange for a senior manager to do so.

And

Where appropriate inform the Chair of Governors without discussing the nature of the complaint at this stage.

If a School Governor is directly approached by a complainant it is important that the Governor emphasises that they can only give general advice about how their complaint might be dealt with. The Governor should encourage the complainant to

talk to the Headteacher who will attempt to resolve their complaint informally in the first instance. The Governor should also inform the headteacher about the complaint as soon as possible.

It is important to note that when a Governor becomes involved in this way they cannot take part in any of the formal procedures which may follow. It may, however, be appropriate for them to accompany the complainant to a planned meeting with a member of staff or the Headteacher at this stage or any other subsequent formal meetings. This would normally only be necessary if the complainant appears uncomfortable about attending a meeting with the member of staff or Headteacher or any other subsequent formal meetings on their own.

### **Formal Stage 1**

If a complaint cannot be resolved in an informal way and/or the complainant still remains unhappy the Headteacher should deal with the complaint formally. The Headteacher should ask the complainant to put their complaint in writing, stating that they wish to make a formal complaint.

The letter should include:

- Their name.
- The nature of their complaint.
- How they can be contacted.

The headteacher should:

- Acknowledge this letter within two working days.
- Investigate the complaint and then decide how best to resolve it within a further five working days.
- Provide a written response outlining how the investigation was conducted and the outcome of the complaint, as well as offering the complainant the opportunity to discuss the outcome if appropriate. This should be within two working days of completing the investigation.
- Advise the complainant that if they are dissatisfied with the outcome their complaint will be considered by the Chair of Governors at Formal Stage 2.
- Inform the Chair of Governors that a Formal Complaint has been received and what action will be taken to provide a response without discussing the nature of the complaint at this stage.

If the Headteacher is not able to resolve the complaint and/or the complainant still remains unhappy the complaint should be dealt with at Formal Stage 2.

## **Formal Stage 2**

The complainant should be informed that their complaint has been passed to, and how to contact, the Chair of Governors. The complainant should write to the Chair of Governors and that letter should include:

- Their name.
- The nature of their complaint.
- Where appropriate the reasons why they were unhappy with the head teacher's decision.
- How they can be contacted.

**At this stage it is important that only the Chair of Governors is involved, as other Governors may have to listen to any subsequent hearings which may result from an investigation of the complaint**

The Chair of Governors should:

- Acknowledge the letter within two working days.
- Conduct an investigation and speak to everyone involved as soon as practicable. This will usually be within ten working days.
- Provide a written response outlining how the investigation was conducted and the outcome of the complaint, as well as offering the complainant the opportunity to discuss the outcome if appropriate. This should be within two working days of completing the investigation.
- Advise the complainant that if they are dissatisfied with the outcome their complaint will be considered by the Complaints Panel of the Governing Body at Formal Stage 3.

If the Chair of Governors is not able to resolve the complaint and/or the complainant still remains unhappy the complaint should be dealt with at Formal Stage 3.

### **Formal Stage 3 - Governors' Complaints Panel**

If the complainant is dissatisfied with the outcome of the Chair of Governor's investigation they should write to the Chair of Governors stating why and request that their complaint be referred to the Complaints Panel of the Governing Body.

The Complaints Panel will comprise three Governors who have not previously been involved in the complaint and/or do not have a personal or pecuniary interest. It may also be inappropriate for the Complaints Panel to include teacher or staff Governors.

A meeting of the Complaints Panel will be convened within 10 working days of the request.

At least five working days before the meeting members of the Complaints Panel should receive papers about the complaint which should include as appropriate:

- A copy of the original complaint.
- An outline of any investigation carried out by the Headteacher at Formal Stage 1.
- A copy of the letter sent to the complainant about the outcome at Formal Stage 1.
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Formal Stage 1.
- A copy of the letter to the Chair of Governors requesting an investigation at Formal Stage 2.
- An outline of any investigation carried out by the Chair of Governors at Formal Stage 2.
- A copy of the letter sent to the complainant about the outcome at Formal Stage 2.
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Formal Stage 2.
- A copy of the letter requesting that the complaint is heard by the Complaints Committee.

The complainant should be invited to attend the meeting to state their case and should be offered the opportunity to be accompanied by a friend or other adult if they wish. Normally children should not attend. If the Complaints Panel thinks that it would be helpful for a child to be present the Governors should seek the permission of the parents. The complainant does not have to attend the meeting in which case the Complaints Panel will consider the documentary evidence provided by the complainant.

The Headteacher and/or Chair of Governors should be invited to attend the meeting to state their case. They do not have to attend the meeting in which case the Complaints Panel will consider the documentary evidence relating to any investigation(s) the Headteacher or Chair of Governors carried out.

The Complaints Panel may invite the Chief Education Officer's representative to provide advice and guidance. That person will not have any role in deciding the outcome but will advise on whether the procedure has been followed appropriately and on the reasonableness of the Complaints Panel's decision.

The Complaints Panel will consider 2 questions only:

- Whether the investigation(s) were conducted properly and reasonably within this procedure.
- Whether the outcome was reasonable and appropriate

If the Complaints Panel decides the answer to the second question is no it should decide a different outcome to the complaint.

The Panel will have an opportunity to question the complainant, Headteacher and/or Chair of Governors when they have stated their cases. When the Complaints Panel is satisfied that it has all the information it needs it will consider all the evidence and decide an outcome. In the event that further information is needed and it is not available at the time the meeting may be adjourned and re-convened at a mutually convenient time. This should be as quickly as possible and wherever practicable within five working days.

When the Complaints Panel has all the information it needs the complainant, Headteacher and/or Chair of Governors will leave the meeting. The Complaints Panel will then reach its decision in private. It will decide:

- Whether the earlier investigation(s) were conducted appropriately and reasonably.
- Whether the decision of the Headteacher and/or Chair of Governors was reasonable and appropriate.
- Where appropriate an alternative outcome to the complaint.

The complainant should be informed of the Complaints Panel's decisions in writing within two working days.

**The decision of the Complaints Panel is Final.**

### **Remit of The Complaints Panel**

Governors sitting on the Complaints Panel need to be aware, and have a copy, of the Complaints Procedure.

The Complaints Panel should:

- Consider the complaint in an independent and impartial way and must be seen to do so.
- Consider the complaint in private and confidentially.
- Resolve the complaint and achieve reconciliation between the school and the complainant.
- Recognise the complainant might not be satisfied with the outcome if it does not find in their favour.
- Establish the facts and make recommendations which will satisfy the complainant that the complaint has been taken seriously.
- Acknowledge that a complainant may feel nervous and inhibited in a formal setting. Also that parents often feel emotional when discussing an issue that affects their child.
- Ensure that the proceedings are as welcoming as possible and that the layout of the room will ensure the setting is informal and not adversarial.
- Take extra care when the complainant is a child, so the child does not feel intimidated.
- Give the views of children equal consideration to those of adults.
- Give the parent(s) of a child the opportunity to say which parts of the hearing, if any, their child needs to attend.

The Complaints 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.

## **The Role of the Local Authority**

The LA has no statutory role in resolving complaints other than those listed in Section 1 a) to d) in section 1. The authority is not able to review the school's response to a complaint and is not an appeal body.

## **Unsatisfied Complainants**

If a complaint is not resolved by the school, the complainant is not satisfied and wishes to pursue the matter further, they may address their complaint to the Secretary of State for Education. **The formal complaint must have been through all the stages of the school's procedure.**

## **Vexatious Complainants**

It is clear from the information provided by schools that the vast majority of complaints are resolved by informal contact. Problems arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong. It is these latter circumstances that can lead a school, which is acting very reasonably, to being drawn into an interminable saga with letters flying back and forth with each reply demanding more and more answers to more and more questions. Often an attempt to clarify the situation will trigger a multitude of questions, none of the possible answers to which serve any constructive purpose. It is these vexatious complainants from which schools need protection.