



Ashover Primary School

COMPLAINTS POLICY (v2) 2017-19

	Date	Minute No.	Review date
Approved by Governors (V1)	06/12/16	06/12/16.12	Dec 2017
Reviewed by Governors & Approved (V2)	04/10/17	04/10/17.22	September 2019
Reviewed by Governors	_____	_____	_____

SCHOOL COMPLAINTS PROCEDURE

1. INTRODUCTION

This document meets the requirement of Section 29 of the Education Act 2002 to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides.

2. GENERAL

There are separate procedures for appeals about admissions, exclusions, and staff disciplinary or grievance. Where complainants or members of staff are invited to a planned meeting as part of the Complaints Procedure, any request to be accompanied by a friend or representative will be accommodated. The timescales indicated in the Complaints Procedure are those which are expected in normal circumstances. Where the complaint is detailed and/or requires an extensive investigation the timescales may be increased. The complainant will be informed in writing of any variations to the timescales indicated and be given a revised timetable for resolving their complaint. Anonymous complaints cannot be dealt with under this procedure.

Working day – the term working day in this complaints procedure means a day that the school is open for pupils and inset days.

3. THE PROCEDURE

3.1 Informal Stage

Initially, a concern should be raised with the appropriate member of staff who will try to resolve the matter. If a concern cannot be resolved with the member of staff, then the Head teacher should be contacted who will meet with the complainant with the

intention of resolving the matter informally. If the complaint cannot be resolved informally, then it can be taken through the formal process. In most cases, it should be possible to resolve concerns informally.

3.2 Formal Stage 1

The complainant must go through the informal stage before they can make a formal complaint.

The complainant should put their complaint in writing (by letter or email) to the Headteacher, stating that they wish to make a formal complaint.

The letter or email should include:

- The complainant's name or names
- The nature of their complaint
- The outcome the complainant(s) are seeking
- How they can be contacted

The Headteacher will:

- Acknowledge the letter or email within two working days.
- Inform the Chair of Governors that a formal complaint has been received without discussing the details of the complaint at this stage.
- Investigate the complaint and then decide how best to resolve it within a further five working days.
- Provide a written response outlining the outcome of the complaint, and the actions taken or proposed to resolve the complaint. This will usually be within two working days of completing the investigation.

- Advise the complainant that if they are dissatisfied with the outcome that they have the right to take their complaint to the Chair of Governors at Formal Stage 2.

3.3 Formal Stage 2

The complainant must go through the informal stage and Formal Stage 1 before they can make a complaint under Formal Stage 2.

If the complainant wishes to take their complaint to Formal Stage 2, then the complainant should write to the Chair of Governors (or the Vice Chair if the Chair is unavailable) and that letter or email should include:

- The complainant's name or names
- The nature of their complaint
- The reasons why they are unhappy with the outcome of the Formal Stage 1 process.
- Any resolution they are seeking
- How they can be contacted

At this stage, the only governor who will be involved will be the Chair of Governors (or Vice Chair in the Chair's absence), as other governors may become involved if the complaint is taken to the Governors' Complaints Panel.

The Chair of Governors will:

- Acknowledge the letter or email within two working days.
- Conduct an investigation, usually within ten working days.

- Provide a written response outlining the outcome of the complaint, and any actions taken or proposed to resolve the complaint. This will usually be within five working days of completing the investigation.
- Advise the complainant that if they are dissatisfied with the outcome the Formal Stage 2 process that they have the right to refer their complaint to the Complaints Panel of the Governing Body at Formal Stage 3.

3.4 Formal Stage 3 - Governors' Complaints Panel

The complainant must go through the informal stage and Formal Stages 1 and 2 before they can make a complaint under Formal Stage 3. Any request to take this matter to the Complaints Panel must be made by the complainants within 14 days of the written response giving the outcome of Formal Stage 2 process being provided to them.

The complainant(s) should write to the Chair of Governors stating why they are dissatisfied with the outcome of Formal Stage 2 and/or the handling of the complaint under Formal Stage 2 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 do not have a personal or pecuniary interest. It would normally be inappropriate for the Complaints Panel to include staff Governors.

A meeting of the Complaints Panel will be convened within 15 working days of the request. At least five working days before the meeting members of the Complaints Panel will receive papers about the complaint which will 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 be heard by the Complaints Committee.

The complainant will be invited to attend the meeting to state their case and will be offered the opportunity to be accompanied by a friend or other adult if they wish.

Children should not attend unless the Complaints Panel deems that it would be helpful.

In such situations the Governors will 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 can be invited to attend the meeting.

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 can ask for the Local Authority to provide advice and guidance. If an adviser from the Local Authority attends the Complaints Panel, that person will not have any role in deciding the outcome but may provide advice to the Panel.

The Panel will have an opportunity to question the complainant(s), Headteacher and/or Chair of Governors (if present) when they have made their points. When the Complaints Panel is satisfied that it has all the information it needs it will consider all the information 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 will be as quickly as possible and preferably within five working days. When the Complaints Panel has all the information it needs, the panel members will meet in private to reach their decision. They may consider:

- 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.
- An alternative outcome to the complaint.

The complainant(s) will be informed of the Complaints Panel's decisions in writing within five working days.

The decision of the Complaints Panel is Final.

4. VEXATIOUS COMPLAINTS

The aim of the complaints procedure is to limit the number of protracted complaints. There will, however, be occasions when the complainant remains dissatisfied even though all stages of the Complaints Procedure have been completed. If the complainant continues to raise the same issue then the Chair of Governors will inform them in writing that the procedure has been exhausted and that the matter is now closed.

5. MONITORING AND RECORDING COMPLAINTS

The Governing Body recognises that the process of listening to, and resolving complaints may identify underlying issues that need to be addressed to ensure more effective school management and routines. Therefore, the Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of this procedure and make changes where necessary. Information about complaints presented to the Governing Body for monitoring purposes will not name individuals.

The Headteacher will arrange for a confidential record of the nature and progress of all formal complaints, when they were made, and their final outcome. The purpose of the Record is for monitoring purposes only.

6. PUBLICATION OF THE COMPLAINTS PROCEDURE

The complaints procedure is available on the school website or from the school by request.

Appendix 1

GUIDELINES FOR HANDLING COMPLAINTS

1. Investigating Complaints

At each stage, the person investigating the complaint, must 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 clarification or further information is needed.
- Ascertain what the complainant feels would put things right.
- Interview the person who is the subject of the complaint and any other people involved. They should be allowed to be accompanied if they wish.
- Conduct interviews with an open mind and be prepared to persist in the questioning.
- Keep notes of all interviews.

2. Resolving Complaints

It is important to be aware from the outset of the ways in which a complaint can be resolved which could include:

- 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.

Appendix 2

REMIT OF THE COMPLAINTS PANEL

Governors sitting on the Complaints Panel will be aware of the Complaints Procedure.

The Complaints Panel must:

- Consider the complaint in an independent and impartial way.
- Consider the complaint privately and confidentially.
- Aim to resolve the complaint and achieve reconciliation between the school and the complainant.
- Recognise the complainant might not be satisfied with the outcome if the panel does not find in their favour.
- Establish the facts and make recommendations.
- 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(ren).
- 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.
- Give the views of children equal consideration to those of adults.
- If the Governors decided that the attendance of a child is appropriate and helpful, give the parent(s) of a child the opportunity to say which part of the hearing, if any, their child can 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 that they will take to resolve the complaint.
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.