



CLAYTON VILLAGE PRIMARY SCHOOL

COMPLAINTS PROCEDURE

MARCH 2017

Introduction

Governing Bodies are under a duty to establish a procedure for dealing with complaints relating to aspects of the school and to ensure that these are publicised to parents and others. Every well governed and well managed school will from time to time have to deal with complaints from parents. Governors are aware that most parental concerns and complaints are resolved informally by the school staff and/or the Headteacher. Comparatively few complaints lead to a formal process, but some do, and the Governing Body has both informal and formal procedures in place. In line with safeguarding good practice, this policy makes reference to Section 29 of the Education Act 2002. See appendix 1.

What kind of complaints?

This policy outlines the procedure for dealing with complaints:

- It **can be used** to resolve complaints about the way school is run or about the way a school policy has been implemented. Most of these complaints are about decisions which affect a particular pupil or pupils.
- It **cannot be used** to resolve matters where other legal procedures already apply. For example staff discipline, special educational needs, admissions and exclusions.

Who can complain and when?

This model procedure applies to complaints made by:

- parents of pupils currently or recently at the school.
- people who either have 'parental responsibility' for a pupil or who care for him or her, but are not the pupil's parents.

Note: Complaints must be presented within three months of the action or matter complained of.

How does the complaints procedure work?

The procedure is based on informal and formal stages. The informal stage involves trying to resolve the matter as quickly as possible with first the class teacher or the Headteacher and must be tried first. Only if the complainant is dissatisfied with the outcome or the matter cannot be resolved should the matter be referred to the formal stage with the Headteacher or the Governing Body.

Where a complaint is initially sent to the Chair of Governors s/he should refer the

matter to the Headteacher for it to be dealt with under the procedures below.

Exceptions

There are two exceptions to the procedure above:

1. A complaint may appear to be sufficiently serious that it should be referred straight through to the formal procedure, or
2. A complaint may clearly relate to breaches of discipline by a staff member, in which case this procedure would not apply and HR advice should be sought.

General principles

- Any complaint raised needs to be treated seriously and courteously and given the time necessary for the complainant to feel that the matter has been dealt with properly. It is important that the complainant has confidence in the procedures and knows that the matter will be impartially investigated.
- The policy will be accessible and well publicised.
- Complaints should be dealt with as quickly as possible, consistent with fairness to all.
- Dates and times of conversation should always be recorded and made available to investigators as necessary. It is best practice to take minutes of meetings and discussions.
- A complaint is not part of any staff disciplinary process. Staff who may be questioned as part of the complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in dealing with any investigation into a complaint.
- Any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response sent as result of the investigation. If, however, during the course of considering a complaint, the Governing Body concludes that disciplinary procedures should be initiated, Governors will consider this as a separate action, as there is an entirely separate procedure to follow in terms of dealing with staff disciplinary matters.
- Confidentiality must be maintained at all times. All conversations and correspondence must be treated with discretion. Parents must feel confident a complaint will not disadvantage their child. Anonymous complaints should be disregarded unless someone else can substantiate the complaint. All parties to a complaint will need to accept that some sharing of information will be inevitable if the complaint is to be investigated fully. However, the sharing of information should be kept to a minimum so as not to compromise subsequent stages of the complaints process.

- All staff and Governors should have the opportunity to take part in training to raise awareness of the school's procedures and to develop their skills and knowledge in dealing with complainants.
- All complaints should be recorded and monitored to allow any lessons to be learned by the school.
- Further guidance on dealing with complaints can be provided by the School Governor Service.

Informal Stage

Where to complain?

Stage 1 - Appropriate member of staff

- Parents should be given the opportunity to discuss their concerns with an appropriate member of staff, such as the class teacher.
- The member of staff will need to respond appropriately, taking into account the seriousness of the complaint. In many cases parents' concerns and complaints are resolved at this early part of the informal stage.
- If the member of staff first contacted cannot deal immediately with the matter, or if s/he needs to refer the matter to someone else, s/he will need to make a clear note of the date, name and contact address/phone number of the complainant and details of the nature of the complaint.
- Where parents approach a Governor at this initial stage, the Governor should refer the parent to the member of staff most likely to be able to help.
- If the concern remains unresolved the staff member should advise the parent that they may complain to the Headteacher.
- Where the concern relates specifically to the Headteacher, the parent should be given the opportunity to discuss and resolve the problem. In some circumstances, the complainant may prefer to contact the Chair of Governors and this should be accommodated.
- The staff member dealing with the complaint should make sure that the complainant is clear what will happen next (if anything). This should be put in writing only if it seems the best way of making the outcome clear.
- Where no satisfactory resolution has been found within 10 working school days, the complainant should be asked if they wish their concern to be considered further. If so, they should be advised about how to proceed with their complaint and about any independent advice available to them.

Stage 2 - Headteacher

In some cases, the Headteacher will already have been involved in looking at the matter. In others, it will be her first involvement.

The Headteacher should:

- Acknowledge the complainants letter in writing within three working days of receiving the stage 2 complaint. The acknowledgement should give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This will normally be within 10 school days.
- Meet with the person making the complaint and obtain full details of the complaint.

- Discuss this with the member of staff involved.
- Where a complaint concerns a pupil that pupil should normally be interviewed.
- Ensure written records are kept of all meetings, telephone discussions, and any other relevant documents.
- Consider all the facts and reach a conclusion.
- Write to the person making the complaint giving a full explanation of the decision, the reasons for it and, where appropriate, what action the school proposes to take. The letter should inform the parent that if they are not satisfied with the outcome they may complain to the Chair of the Governing body within a specified period of time. (It is recommended that the School's Complaints Procedure should specify this period; a minimum of ten school days is recommended.)
- It may be appropriate for the Headteacher to delegate this role to the Deputy Headteacher or Assistant Head; the Headteacher should be kept informed of the position.

Stage 3 - Chair of Governors

- a) If a complaint has been through stages 1 and 2, the Chair would normally pass the complaint straight to the Complaints Appeal Committee unless it is clear that the matter can be immediately resolved.
- b) A complaint against the Headteacher should be referred straight to the Chair of Governors:
- This would usually involve the Chair speaking with the person making the complaint and the Headteacher to ascertain whether or not the complaint can be resolved at this informal meeting.
 - If the matter cannot be resolved and the complaint falls within the scope of the procedure the Chair should then refer the complaint straight to the Complaints Appeal Committee.
 - If the Chair has had some prior involvement in the matter which is being complained of he or she should ask the Vice-chair to undertake this role instead of the Chair.

Formal Stage

The Governing Body will appoint a **Complaints Appeal Committee** of two or three Governors. Staff Governors will not serve on the Committee due to the potential for conflict of interest. **No Governor who has any prior involvement in the matter being complained about should serve on the Committee dealing with that complaint.**

The Complaints Appeal Committee of the Governing Body deals with any complaint which has reached the formal stage.

This involves:

1. Receiving the complaint
2. Investigating the complaint
3. Making a decision on the complaint
4. Reporting the decision of the Complaints Appeal Committee to the Governing Body.

Remit of the Complaints Appeal Committee

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 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.

Key principles:

- It is important that the Appeals Committee is independent and impartial and that it is seen to be so. No Governor may sit on the Committee if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the Committee, the Clerk needs 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, 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 Committee 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 Chair of the Committee should ensure that the proceedings are as welcoming as possible. The layout of the room should set the tone and care should be taken to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The Committee needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

Roles and Responsibilities

The Role of the Clerk

The Department for Education (DfE) strongly recommends that any panel or group of Governors considering complaints be clerked. The clerk would be the contact point for the complainant 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 the parties in advance of the hearing;

- meet and welcome the parties as they arrive at the hearing;
- record the proceedings (in certain circumstances it may be advisable to appoint a clerk independent to the school, to take the notes of the meeting);
- notify all parties of the Committee's decision.

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

The nominated Governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel.

The Role of the Chair of the Committee

The Chair of the Committee 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 Committee 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 the Committee's Decision

The Chair of the Committee needs to ensure that the complainant is notified of the decision, in writing within 5 working days of the hearing.

The letter will explain that there are no further rights of appeal to the Governing Body and if the parent wishes to take the matter further they need to write to the Secretary of State for Education, Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT or on line at <http://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

Reporting the decision

The outcome of the complaint should be reported to the Governing Body, for information only, as with any delegated decision.

The report back should take the form of a paragraph briefly summarising the complaint, the investigation and the outcome. The Committee's recommendations should be given. No names should be given in the report back.

Policy approved by Headteacher: Date:

Policy approved by Chair of Governors: Date:

The date for the next policy review is March 2019

Appendix 1

29. Additional functions of governing body

(1) The governing body of a maintained school shall—

(a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and

(b) publicise the procedures so established.

(2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State or (in relation to Wales) by the National Assembly for Wales.

(3) The governing body of a maintained school may require pupils in attendance at the school to attend at any place outside the school premises for the purposes of receiving any instruction or training included in the secular curriculum for the school.

(4) In subsection (3) “maintained school” does not include a maintained nursery school.

(5) The governing body and head teacher of—

(a) a community or voluntary controlled school,

(b) a community special school, or

(c) a maintained nursery school,

shall comply with any direction given to them by the local education authority concerning the health and safety of persons on the school's premises or taking part in any school activities elsewhere.