

Frithwood Primary School

Complaints Policy

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January 2016
Review January 2019

Statement

The Governing Body aims to ensure all complaints are dealt with on an equal and fair basis, within a set time scale. We aim:

- to ensure that every effort is made by the people involved to reach a satisfactory outcome to the complaint
- to ensure that parents/carers are aware of the procedures, time scale and who to contact
- to ensure that concerns or complaints are dealt with as quickly as possible and as near to the point of origin as is possible.

From 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England are required, under 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. The law also requires the procedure to be publicised.

There are certain complaints which fall outside the remit of the school's complaints procedure, for example, staff grievances or disciplinary procedures. It is recommended that the governing body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities (even if it's hiring it out for a wedding reception), have their own complaints procedure in place.

Dealing with Complaints

Initial concerns

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

This policy deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

Formal procedures

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Initial concerns

Most complaints start off as 'concerns' rather than complaints. Every effort should be made to resolve the issue at this time, before any complaint emerges. The usual first 'informal' stage would be for the person making the complaint to discuss his/her concern with the Class Teacher.

The school will aim to provide good opportunities for parents/carers to discuss items of interest and consult regularly, resulting in few complaints going beyond this stage.

If the concern is not satisfactorily addressed, or if more appropriate, then the complainant should meet the Key Stage Leaders or Assistant Headteacher. If the outcome is not satisfactorily received then the complainant should meet the Head teachers.

The Key Stage Leaders, Assistant Head teacher or Headteachers will deal with the concern fully and seriously, though still in an 'informal' way. It would probably not be necessary at this stage, for the concern to be put in writing. However, the Key Stage Leader, Assistant Head teacher or Headteachers will meet with the person in order to fully discuss the matter. A record should be kept by the Head Teacher; this will include date, time and persons present. A satisfactory solution should be achieved if at all possible.

At each stage in the procedure schools will keep in mind ways in which a concern can be resolved. It might be sufficient to acknowledge that the concern is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- 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.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

It is useful to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Complaints from members of the public will be heard by the Assistant Head teacher or Headteachers and administered as above.

Formal Procedures

Stage One: Complaint Heard by Assistant head teacher or designated other

The school should try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve service. The ability to consider the complaint objectively and impartially is crucial.

Where the complaint concerns the head teacher, the complainant can be referred to the Chair of Governors.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. 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.

The person dealing with the complaint should provide a written acknowledgement to the complainant within 5 working days of receiving the complaint. A copy of the school's Complaints Procedure should be provided at the same time.

The person dealing with the complaint will carry out the necessary investigation to establish the facts. This may include meeting with the complainant. On completion of the investigation, a written response to the complaint should be provided to the complainant within 10 working days of the school's written acknowledgement of the complaint to the complainant. The written response should contain an outline of the complaint, the response to the complaint, the decisions reached and the reasons for those decisions.

The written response must be endorsed by the Headteachers. It should also inform the complainant that if they remain dissatisfied with the outcome to their complaint, they can progress it to the second stage of this procedure. Where the complainant wishes to take the matter to the second stage, they must send a written request within 10 working days of receiving the Stage 1 written response stating their reasons.

If no further communication is received from the complainant within the given period of time, it is deemed that the complaint has been resolved and the matter is closed.

Stage Two: Complaint heard by Headteachers

If the complainant is dissatisfied with the way the complaint was handled at stage one, they may go to stage 2 and have the matter considered by the Headteachers. The head teacher may delegate the task of collating any additional information required to what has already been done at Stage One to another staff member but not the decision on the action to be taken.

The same process and timings apply as in Stage 1.

The written response to the complainant should inform them what process they need to follow if they remain dissatisfied at this stage, which is they can ask for the matter to be considered by a Governing Body Complaints Appeal Panel. The request

must be made in writing to the Chair of the Governing Body within 10 working days of receiving the outcome of Stage Two stating their reasons why they remain dissatisfied.

If no further communication is received from the complainant within the given period of time, it is deemed that the complaint has been resolved and the matter is closed.

Stage Three: Complaint Heard by Governing Bodies Complaints Appeal Panel

Following a request being received from the complainant for their complaint to be considered at Stage 3, the Chair of the Governing Body, or a nominated governor, will convene a Governing Body Complaints Panel within 4 working weeks of receiving the request. The panel will consist of 3 governors who should ideally not be a parent governor.

No person involved should have had previous involvement in the complaint.

The complainant should be given 10 working days' notice of the meeting. The Clerk to the Governors will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting. The notification should inform the complainant that they can bring a friend/relative to accompany them to the meeting, and that they if they wish to they can submit further written evidence relevant to the complaint for consideration by the Appeal Panel.

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 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 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 disability, race, gender and religious affiliation.
- b) 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.

- 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 is informal and not adversarial.

- d) 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 panel 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.

- e) The governors sitting on the panel need to be aware of the complaints procedure

Roles and Responsibilities

The Role of the Clerk

It is strongly recommended 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;
- notify all parties of the panel'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 Panel

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.

Hearing the Complaint at the Meeting

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant.

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that both sides has time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:

The Chair will welcome the complainant, introduce the panel members and explain the procedure.

- the Chair of the panel will invite the complainant to explain the complaint.
- the panel members may question the complainant about the complaint and the reasons why it has been made.
- the Chair will invite the Head teacher to ask any questions of the complainant relevant to the complaint:
- the Chair will invite the Head teacher to make a statement in response to the complaint. At the discretion of the Chair the Head teacher may invite members of staff directly involved in the complaint to supplement the Head teacher's response.
- the panel may ask questions of the Head teacher and the members of staff about the response to the complaint
- the Chair will allow the complainant to ask questions of the Head teacher and members of staff about the response to the complaint.
- either party has the right to call witnesses, subject to the approval of the Chair.
- the Panel, the Head teacher and the complainant may question any such witnesses.
- the Chair will invite the Head teacher to make a final statement to sum up their case
- the Chair will invite the complainant to make a final statement to sum up their case.
- the Chair will explain to the complainant and the Head teacher that the panel will now consider all of the information available to them and reach a decision, and a written decision will be sent to both parties within 10 working days. The Chair will then ask all parties to leave except the members of the panel.
- the panel will then consider the complaint and all the evidence presented and reach a decision on the complaint and the reasons for it; and decide upon the appropriate action to be taken to resolve the complaint.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within 10 working days. The letter should inform the complainant that this was the last stage of the Complaints Procedure and the Appeal Panel's decision is final. They should be informed of what they need to do if they wish to pursue the claim further.

Local Government Ombudsman (for Schools)

If the complainant remains dissatisfied with the outcome of the appeal hearing, they can take the matter to the Local Government Ombudsman. Unless there are exceptional circumstances, the Local Government Ombudsman will not deal with a complaint unless they are satisfied that the school has first had the proper opportunity to consider it and respond.

The complainant can telephone, write to, or email the Local Government Ombudsman Advice Team:

Tel: 0300 061 0614,

Email: advice@lgo.org.uk

Address: PO Box 4771, Coventry, CV4 0EH.

For more information on the Local Government Ombudsman please visit their website at the following link <http://www.lgo.org.uk/schools>

Checklist for a Panel Hearing The panel needs to take the following points into account:

- The hearing is as informal as possible.
- 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 Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher 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 Headteacher is then invited to sum up the school's actions and response to the complaint.

- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.