



## **Complaints Policy**

### **Keresforth Primary School**

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## **SCHOOL AIMS**

Keresforth Primary School is a progressive primary school which aims to maintain high academic standards and cultural achievement within a caring and safe environment. We seek to encourage responsibility and personal fulfilment so that students attain their maximum potential. The School is dynamic and works with the community to prepare its students for life-long learning and adult independence.

### **Complaints Procedure**

#### **1. Overview**

From 1 September 2003 Governing Bodies of all maintained 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.

#### **2. General Principles of complaints**

##### **2.1 Dealing with Complaints -Initial concerns**

We should be clear about the difference between a concern and a complaint. Informal concerns, taken seriously at the earliest stage, will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases classroom teachers will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, or after an investigation, feeding back to parents their findings.

##### **2.2.1 Dealing with Complaints -Formal procedures**

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.

##### **2.3 Framework of Principles**

Our Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary; respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's senior management team so that services can be improved.

##### **2.4 Investigating Complaints**

At each stage, the person investigating the complaint will ensure 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 unsure or further information is necessary);
- clarify what the complainant feels would put things right;

- consider interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct any interviews with an open mind;
- keep notes of any interviews.

## 2.5 Resolving Complaints

At each stage in the procedure we will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint 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.

Complainants will be encouraged to state what actions they feel might resolve the problem. An admission that the school could have handled the situation better is not the same as an admission of negligence.

We will try to identify areas of agreement between the parties. We will also try to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## 2.6 Vexatious Complaints

If properly followed, our complaints procedure is expected to 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.

## 2.7 Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. The complainant will be informed about the expected timescales associated with dealing with the complaint. In all cases school will provide initial feedback within 3 working days and the school will hopefully resolve the issue within 10 working days. Where further investigations are necessary, the complainant will be sent details of the new deadline and an explanation for the delay.

# 3. Formal Complaints Procedure

## 3.1 The Stages of Complaints

There are three stages to our Formal Complaints procedure.

- Stage one: complaint heard by Headteacher;
- Stage two: complaint heard by Chair of Governors
- Stage three: complaint heard by Governing Body's Complaints Panel Chair and, subject to his/her investigations, by the Panel; the Governors Personnel Committee will act as the Complaints Panel. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher after a meeting with the complainant.

An unsatisfied complainant can always take a complaint to the next stage.

The complaints procedure can be found in Appendix A.

## 4. Managing and Recording Complaints

### 4.1 Recording Complaints

Keresforth Primary School will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. The complaint form can be found in Appendix B. At the end of a meeting or telephone call, the member of staff involved will try to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

### 4.2 Governing Body Review

As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to our school improvement. The monitoring and review of complaints by the school and the Governing Body is a useful tool in evaluating our school's performance.

### 4.3 Published Procedure

There is a legal requirement for the Complaints Procedures to be publicised. Our Complaints Procedures is on the school website.

## 5. Section 29 of the Education Act 2002 requires that

(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 271 other than complaints failing 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 by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

"maintained school" means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

## 6. Complaints Procedure

### 6.1 The three stages

#### Stage One: Complaint heard by Headteacher

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

The ability to consider the complaint objectively and impartially is crucial. The school will respect the view of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Headteacher can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complainant will 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 to advise the complainant about the procedure for making a complaint. 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 Headteacher's influence will already have shaped the way complaints are handled in the school. The Head may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The complainant may be dissatisfied with the way the complaint is handled at stage one and may wish to pursue their initial complaint.

#### Stage Two: Complaint heard by Chair of Governors

The complainant needs to write to the Chair of Governors giving details of the complaint. This will be investigated and the Chair will write to the complainant.

If the complainant is not satisfied, he/she may ask for the matter to be referred to stage three.

#### Stage Three: Complaint heard by Complaints Panel

The Chair of the complaints panel will consider whether to convene a meeting to consider the complaint. This decision will be based upon a discussion with the Chair of Governors and communication with the complainant. This forms part of stage three.

The governors' appeal hearing is the last stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

### 6.2 The Complaints Panel

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.

The governing body will nominate five members to form a panel of three with delegated powers to hear complaints. The terms of reference for the panel are to:

- draw up its procedures;
- hear individual complaints;
- make one or more of the recommendations below as a result of complaints.

### 6.3 The remit of the complaints panel

The panel can:

- dismiss the complaint in whole or part;
- uphold the complaint in whole or 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 occur.

### 6.4 Panel members -points to remember

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

- 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 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 of the hearing if it 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. 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.
- The governors sitting on the panel need to be aware of the complaints procedure.

#### 6.5 Roles and Responsibilities the Role of the Clerk

The clerk will be the contact point for the complainant and is 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 and notify all parties of the panel's decision.

The role of the Chair of the Complaints Panel is to ensure that:

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

Checklist for a Panel hearing

- 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.
- The chair explains that both parties will hear from the panel within five working days.

Both parties leave together while the panel decides on the issues.

#### 6.6 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; this will usually take place within five working days.

**Approved by:** [Name]

**Date:** [Date]

**Last reviewed on:** [Date]

**Next review due by:** [Date]



## COMPLAINTS PROCEDURE

If you wish to continue with a formal complaint, please ensure you are clear about the difference between a concern and a complaint. Our underlying principle is that initial concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases classroom teachers should receive the first approach, and will do their utmost to resolve issues on the spot. Formal procedures should only be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remain dissatisfied and wish to take the matter further.

However, where a parent wishes to make a complaint it will be treated seriously and managed in a formal procedure.

1. The parent should submit their complaint in writing or by using the School Complaint Form. Where a complaint is received by telephone or in person then a record will be taken.

The letter/form should contain as much detail as possible.

2. The complaint will be acknowledged in writing within 3 school days stating which member of staff will be managing the complaint.
3. Within a further 10 school days, an investigation of the complaint will be undertaken.
4. Within 5 school days of completing the investigation the parent will receive a copy of the report and the Headteacher's decision, or notification that the Headteacher will investigate further.
5. The parent will be invited to attend a meeting to discuss the report, if they wish, at a time convenient to them. There is no time limit to this.
6. Irrespective of whether the parent attends a meeting they have the right of appeal to the Governing Body Complaints Committee if they are dissatisfied with the outcome of the complaint.

7. A Complaints Committee meeting will be held within 15 school days of the parent informing the school they wish to appeal.
8. The decision of the Complaints Committee will be sent to the parent, in writing, within 1 working day of the meeting.

The decision of the Complaints Committee is final.

The parent can submit a complaint to the Local Authority only on the grounds that the school did not follow its published procedure. The Local Authority will not investigate the parent's original complaint against the School.

Where the complaint refers to the Headteacher, the Chairperson of the Governing Body will investigate the complaint.



## Complaints Form

### Appendix B

Please fill in this form if you wish to make a complaint about a school. **When you have completed it please send it to the Headteacher of the school concerned.**

Your name:

Mr/Mrs/Miss

Your child's name

School name:

Your address:

Postcode

Telephone no:

Have you already discussed this with a member of staff?

Yes

No

If so when and to whom?

Please use the space below to tell us about your complaint.

(Please attach additional sheets if necessary)

Please tell us what you would like us to do to put things right.

Signed:

Date:

Thank you for your comments.

We will be in touch as soon as possible with regard to your complaint.