

BARTON PRIMARY SCHOOL AND EARLY YEARS CENTRE.



Complaints Procedure

DATE: October 2011

TO BE REVIEWED: October 2012

Signed..... Chair of Governors

Date.....



Introduction

This policy is intended as a good practice guide, applying to most general complaints which a school is likely to receive. It will enable a school to meet the requirement under Section 29 of the Education Act 2002 to establish procedures for dealing with complaints relating to the school or the provision of facilities or services.

It is not intended to cover those aspects of school life for which there are specific statutory requirements: in particular, arrangements under s409 of the Education Act 1996 for complaints about the delivery of the National Curriculum and the provision of collective worship and religious education. Parents who are not satisfied with an LA's decision about special needs assessments may appeal to the SEN Tribunal. Concerns about schools admissions and exclusions also have specific appeal rights.

In addition allegations of child abuse, financial improprieties or other criminal activities will need to be dealt with through different procedures, as will complaints about contracted staff.

Some complaints about general matters of policy, such as the overall resourcing of a school, would also need to be dealt with differently.

General Principles: The Right Approach

As part, of the general home/school agreement, parents and pupils should be encouraged to express their views on what goes on within school, so that staff receive an early warning of potential difficulties, and many problems can be prevented from arising.

Certain general underlying principles should be observed whenever concerns or complaints are raised.

1. Publicity.

Parents should always know how they can raise concerns or lodge a formal complaint. Complaints procedures should be easily accessible and well-publicised. A summary of how the school deals with complaints should be included in the information which is given to new parents when their children join the school, and in the information given to the children themselves. Parents and children should be reminded of the system at regular intervals.

The School will prepare leaflets for parents explaining how problems are dealt with and how the complaints procedures work. (See Annex A.)

The School will consider whether they need to make the procedures available in languages other than English and whether a tape cassette version, Braille or large print version should be available. The school needs to consider in advance how it would locate qualified interpreters in various languages, including British Sign Language.

If parents contact the LEA with their concerns when the school's internal procedures have not been fully exhausted, they will be referred back to the school.

2. Procedures will be as speedy as possible -consistent with fairness to all concerned.

Each stage of the procedure should have known time limits. Where it is not possible to meet these, information about progress will be given to the complainant. Care will be taken not to drag things out with unnecessary

3. Support for complainant

As part of the general publicity about complaints procedures, it is important for parents to know where they can go for information, advice and advocacy, if they require it. Ideally, support should be offered from individuals and organisations who are clearly separate from those complained against, such as the Parent Partnership and other local advice centres.

Parents raising concerns or complaints will be invited to be accompanied by a friend, a relative or a representative at any stage of the procedure.

4. Support for a person complained against

Staff who may be questioned as part of a complaints procedure investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case. They will be told about the procedure and be kept informed of progress. There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure which puts the complaints procedure on hold. If so, the complainant will be informed of this and any non-disciplinary aspects of the complaint will be dealt with by the usual complaints procedures; the complainant will be "up-dated" every three weeks on the likely further delay. It may be clear after the disciplinary procedures have been completed, that particular responses to the complainant are required (e.g. an apology or an explanation of new policies to avoid a similar problem again). Where the complaint is against the headteacher the school's Link Inspector can be approached to provide support to the Head.

5. Confidentiality

Conversations and correspondence will be treated with discretion. It is vitally important that parents feel confident that their complaint will not penalise their child. However, from the outset all parties to a complaint should be aware that some information may have to be shared with others involved in the operation of the complaints procedure.

Anonymous complaints will usually be disregarded unless somebody is prepared to substantiate them, but the danger in this is that they may relate to something quite serious. If the foreseen eventuality occurs, to the detriment of the school, the complainant may surface subsequently and say that s/he alerted the school even though the complaint was unsigned. Therefore the Headteacher, in consultation with the Chair of Governors, will decide whether the gravity of an anonymous complaint warrants an investigation

6. Redress

If the outcome of the complaint procedure shows the school is at fault, the school will provide redress in the form of an acknowledgement that the complaint

is valid. Alternatively the School may offer an apology, an explanation, a promise that the event complained of will not recur, an undertaking to review school policies or practices in the light of the complaint, or, in appropriate circumstances, financial compensation. Fear of litigation will not prevent the school from admitting to parents when mistakes have been made, but advice will be taken from the Council's Insurance and Legal Services Manager's if litigation could be possible.

7. Staff awareness and training.

School staff, including non-teaching staff, will be familiar with the procedures so that they can advise parents about their operation. Potentially a great many staff are involved in handling complaints, especially at the informal level. Their confidence in doing so depends on their having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in the practical interpersonal skills needed in dealing with people who are upset or angry. (See Annex B) All school staff should have clear information about which staff have which responsibilities at school so that parents do not get continually passed from one to another.

8. Record keeping.

If complaints are to contribute to raising the quality of education, then they need to be recorded and monitored termly by senior staff and governors.

Recording will begin at the point when a concern or initial complaint has become the kind of complaint that can not be resolved on the spot but needs investigation and/or consultation with others in the school and will require a later report back (either orally or in writing) to the parent. The Head Teacher will normally want all complaints notified to themselves.

Recording at the earliest stages will be a very basic record of the complaint, giving the date, name of complainant and general nature of the complaint. A pro forma or comments and complaints book will be used.

Stage 1: The First Contact: Guidelines for Dealing with Concerns and Complaints Informally

- 1.1 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or school secretary or Headteacher, depending on whom the parent first approached.
- 1.2 Parents should feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent.
- 1.3 At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether s/he wishes to take it further.

Stage 1: Procedure

- 1.4 Parents have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.
- 1.5 If the member of staff first contacted cannot immediately deal with the matter, s/he makes a clear note of the date, name, contact address or phone number.
- 1.6 Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been successful.
- 1.7 On certain major issues the Headteacher may decide to deal with concerns directly at this stage.
- 1.8 If the concern relates to the Headteacher, the parent is advised to contact the Chair of the Governing Body.

- 1.9 The staff member dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.
- 1.10 Where no satisfactory solution has been found within 10 school working days, parents are asked if they wish their concern to be considered further. If so they are given clear information, both orally and in writing, about how to proceed and about any independent advice available to them. (See Annex A)

Stage 2: Referral to the Headteacher for Investigation

- 2.1 At this stage it has become clear that the concern is a definite complaint. In some cases the Headteacher has already been involved in looking at the matter; in others it is his/her first involvement. In either case, the Headteacher (or the person delegated to investigate) will use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.
- 2.2 The Headteacher has responsibility for the day-to-day running of the school therefore they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various "stages" in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person. The Headteacher will make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example arrangements may be made for other staff to deal with parents' concerns at stage 1, while the Headteacher deals with contacts with parents at stage 2. Even at that stage the Headteacher may designate another member of staff to collect some of the information from the various parties involved. In some cases, Headteachers may be so involved at Stage 1 that Stage 2 has to be carried out by the Chair of the Governing Body.

Stage 2: Procedure

- 2.3 The Headteacher (or designate) acknowledges the complaint orally or in writing within 3 school working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaint

procedure and a target date for providing a response to the complaint. This should normally be within 10 school working days; if this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date.

- 2.4 The Headteacher (or designate) will provide an opportunity for the complainant to meet him/her to supplement any information provided previously. It will be made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf, and that interpreting facilities are available if needed.
- 2.5 If necessary, the Headteacher (or designate) will interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also be interviewed. Pupils will normally be interviewed with parents/guardians present. In some situations circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that parents or guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable will be asked to attend. If a member of staff is complained against, the needs of that person will be borne in mind. (see para. 4 under *General Principles*).
- 2.6 The Headteacher (or designate) will keep written records of meetings, telephone conversations, and other documentation.
- 2.7 Once all the relevant facts have been established, the Headteacher (or designate) will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
- 2.8 A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within five weeks of receiving the outcome letter.
- 2.9 If a complaint is against the action of a Headteacher, or if the Headteacher has been very closely involved at Stage 1, the Chair of the

Governing Body, or other person nominated by the Governing Body, will carry out all the Stage 2 procedures.

2.10 If the Chair of Governors has not been involved in the process outlined in paragraph 2.9 above and has not been involved with the complaint, arrangements should be made for the Chair to meet with the complainant and the person the complaint is about. The purpose of such meeting is to review the case with the view to resolving the matter. Where such a meeting is not possible or is not able to resolve the matter the complainant should be advised to write to the Clerk to the Governing Body asking for the matter referred to the Governors Complaint Panel for consideration.

Stage 3: Review by the Governing Body

- 3.1 Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary. At this stage the school should seek advice from the LEA. This can provide a useful "outside view" on the issues.
- 3.2 It is important that this review not only be independent and impartial but that it be seen as so. Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise; for example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly some governors might have previous knowledge of the problem which led to the complaint and would be unable to give fair unbiased consideration to the issue.
- 3.3 Many complaints are inevitably seen by parents as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure, and it may be appropriate for the Governing Body to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

Stage 3: Procedure

- 3.4 Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below will be followed.

- 3.5 The Clerk to the Governing Body will write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the school's Governing Body within 20 school working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.
- 3.6 The Clerk to the Governors will arrange to convene a Governors' Complaints Panel elected from members of the Governing Body. It may be necessary for the Governing Body to appoint reserves to this Panel to ensure that three governors are available to carry out their task within the set time.
- 3.7 The Panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the Panel; otherwise the Vice-Chair should do it. It is not appropriate for the Headteacher or staff governors to have a place on the Panel. Governors will want to bear in mind the advantages of having a parent (who is also a governor) on the Panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.
- 3.8 The Chair/Vice-Chair will ensure that the complaint is heard by the Panel within 20 school working days of receiving the letter in 3.5. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel is confirmed.
- 3.9 The Clerk to the Governors will write and inform the complainant, Headteacher, any relevant witnesses, and members of the Panel at least 5 working days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
- 3.10 The Clerk to the Governors should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the

Headteacher's report should be received by all concerned, including the complainant, at least 5 working days prior to the meeting.

- 3.11 The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.
- 3.12 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.
- 3.13 The aim of the meeting should be to resolve the complaint and achieve a reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- 3.14 The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.
- 3.15 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 3.16 The meeting should allow for
 - the complainant to explain their complaint and the Headteacher to explain the school's response
 - the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff about the school's response
 - panel members to have an opportunity to question both the complainant and the Headteacher
 - any party to have the right to call staff witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses

- final statements by both the complainant and the Headteacher.

- 3.17 The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, Head teacher, other members of staff and witnesses will then leave.
- 3.18 The Panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 3.20 A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.
- 3.21 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Stage 4: Review by the LEA

- 4.1 If a complainant wishes to go beyond the governors' complaints panel they may write to the Strategic Director of Children's Services. He will arrange for a member of the Directorate's Senior Management Team to review the complaint. That person will review the process and procedures the school had undertaken when considering the complaint.

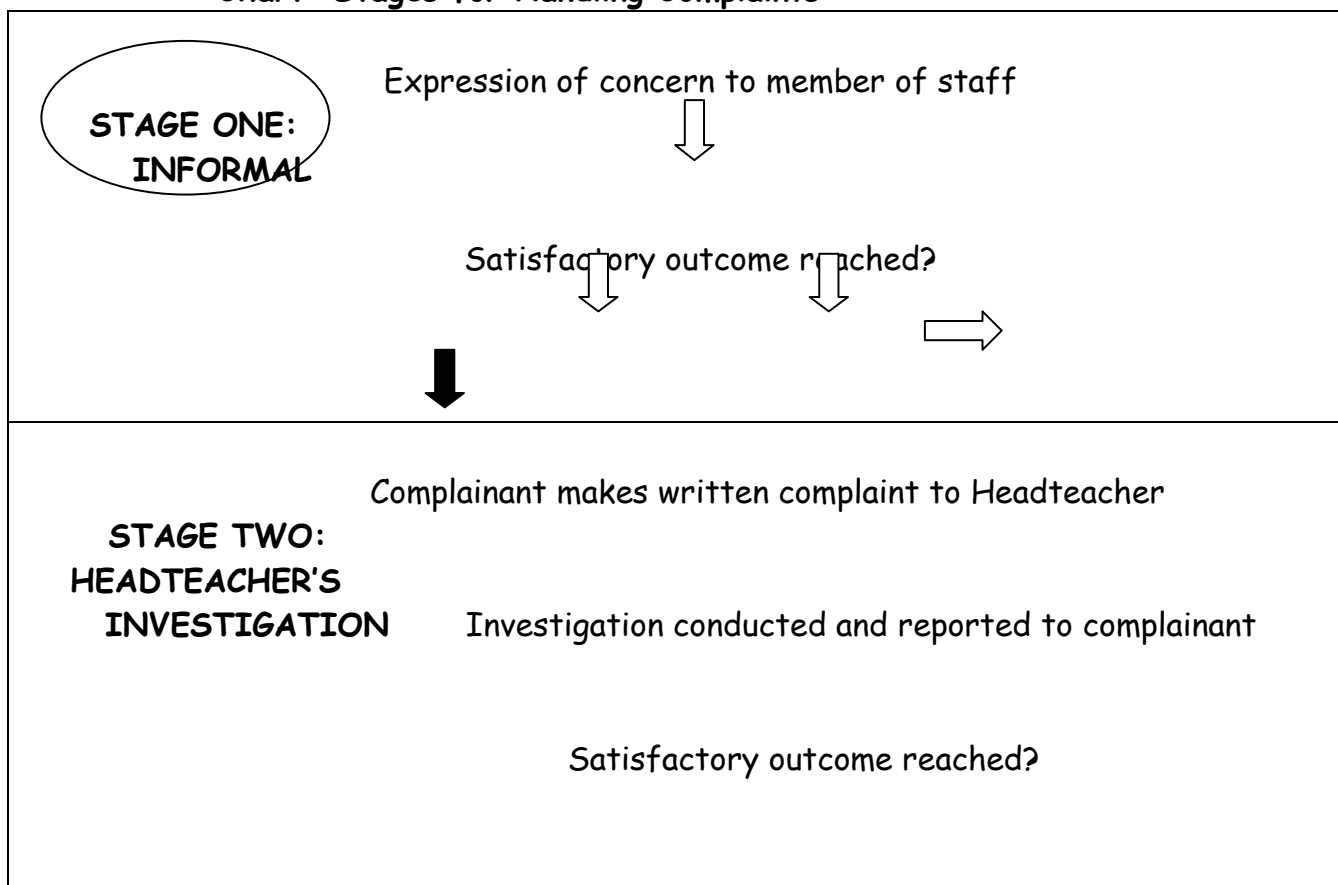
Stage 5: Beyond the LEA

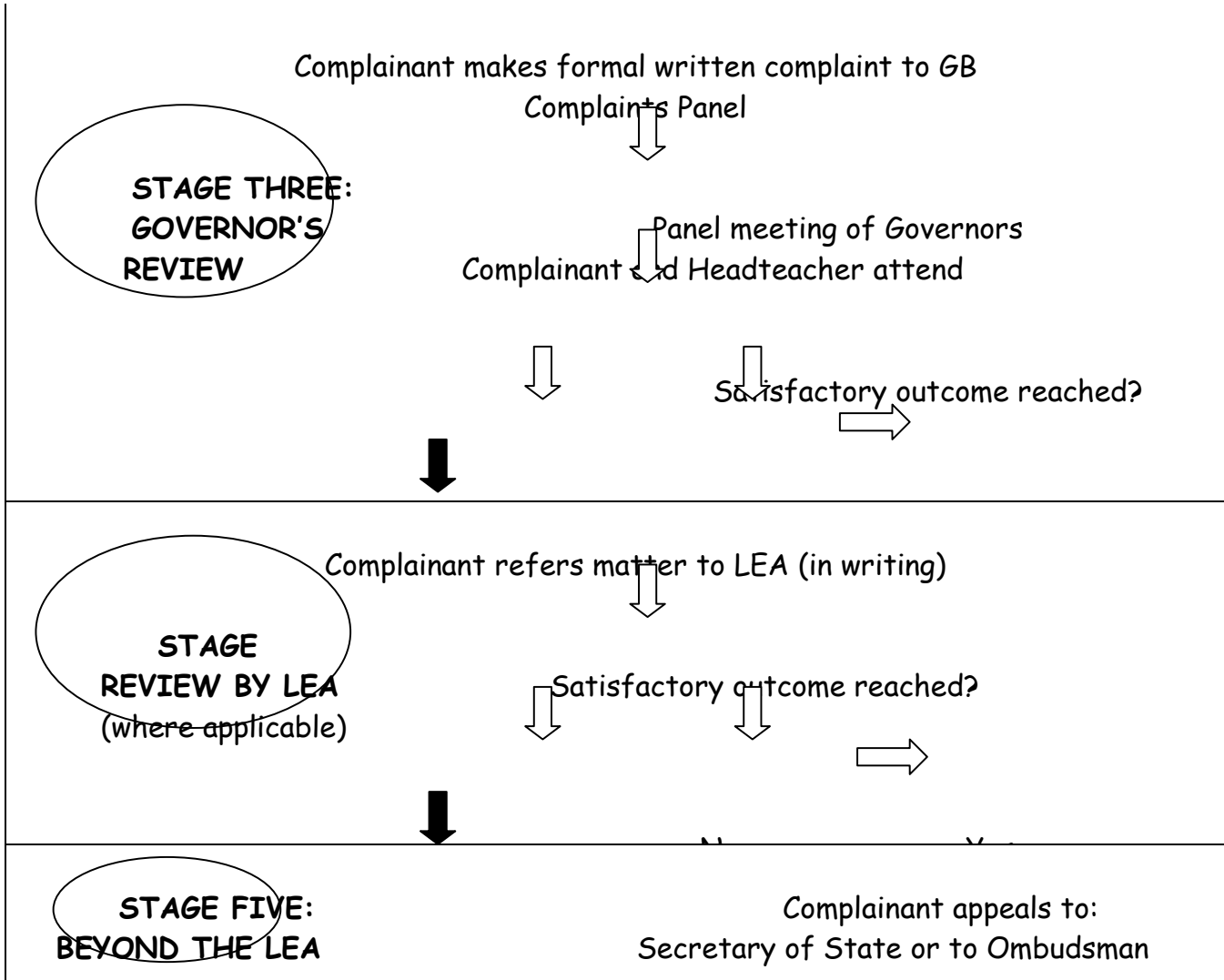
- 5.1 The Secretary of State: Complaints can be taken to the Secretary of State for Education and Employment under section 496 of the Education Act 1996, on the grounds that a Governing Body or LEA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LEA has failed to discharge its

duties under the Act. The Secretary of State may contact the Governing Body or the LEA for more information in order to consider the complaint.

- 5.2 The Local Government Ombudsman: Complaints about the maladministration of Local Authority services including the way it operates any general school complaints procedure could be made to the Ombudsman. However the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.

Chart: Stages for Handling Complaints





Annex A:

Concerns and Complaints about School Guidance notes for Parents

If you have a concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you are wanting to tell us, our support and respect for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago. Please treat the person you approach with the respect that you would wish for yourself.

What to do first

Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher.

If you have a complaint which you feel should be looked at by the Headteacher in the first instance you can contact her straight away if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling in to the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

What to do next

If you are dissatisfied with the teacher's response (or with the Headteacher's initial reaction if she has already been involved) you can make a complaint to the Headteacher (or Chair of Governors if the Headteacher has already been involved). This should be made in writing.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors now. You can contact him/her via the school office.

You may also find it helpful at this stage to have a copy of the full statement of the General Complaints Procedure as this explains in detail what procedures are followed. This is available from the school office.

The Headteacher (or Chair) will ask to meet you for a discussion of the problem. Again you may take a friend or someone else with you if you wish. The Headteacher (or Chair) will conduct a full investigation of the complaint and may

interview any members of staff or pupils involved. You will receive a written response to your complaint.

If you are still unhappy

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the governing body to ask for referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the panel at a meeting which the Headteacher will also attend. The General Complaints Procedure statement explains how these meetings operate.

Further action

Complaints about school problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to an outside body such as the Local Education Authority or the Secretary of State for Education and Employment. Again there is more information on this in the General Complaints Procedure.

Early Years.

If parents feel that the complaint has not been resolved satisfactory they are then invited to contact Ofsted directly:

Ofsted Early Years Directorate
Royal Exchange Buildings
St. Ann's Square
Manchester
M2 7LA

Complaints and Enforcement: 08456 404045 Website: www.ofsted.gov.uk

Annex B:
How to Listen to Complaints

As soon as you realise that you are listening to a complaint, remember these points:

Don't pass the buck	Try not to keep transferring an angry person from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.
Don't be flippant	First impressions count. You and the school may be judged on your immediate reaction.
Treat all complaints seriously	However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain.
Treat every complaint individually	Even if you have already received several similar complaints the same day it is probably the person's first chance to have their say.
Be courteous and patient	Be sympathetic and helpful, but do not blame other colleagues.
Say who you are	If you are unknown to the person, introduce yourself.
Ask for their name	Anonymous complaints are acceptable only where there are special circumstances.
Take time to find out exactly what the problem is	It is easy for someone to forget to tell you an important detail, particularly if they
Don't take the complaint personally	To an angry or upset person, you are the school
Check you are being understood	Make sure that the person understands what you are saying. Don't use jargon, it can cause confusion and annoyance to someone "not in

the know".

Don't rush

Take your time. Let people have their say, and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.