



Vision Statement: Enriching Lives

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<u>Dates</u>				
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CRADLEY C of E VA PRIMARY SCHOOL

COMPLAINTS POLICY

Overview

Section 29 of the Education Act 2002 requires that:

- (a) The governing body of a maintained school (including a maintained nursery school) shall –
- i. 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 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
 - ii. publicise the procedures so established.
- (b) 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.

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
 - “maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school.
1. 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, summarised in Annex A, 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. Local Authorities are already required to set up a procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school. The GB’s complaints procedure does not replace the arrangements made for those types of complaint. In addition, there are certain complaints which fall outside the remit of the GB’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. Web link to Act <http://www.legislation.hmso.gov.uk/acts/acts2002/20032--f.htm#29>

Part 1: General Principles of Complaints

3, Dealing with Complaints – Initial concerns

- 3.1 Schools need 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.
- 3.2, These key messages deal 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.

4, Dealing with Complaints – Formal procedures

- 4.1. 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.
- 4.2. The nominated member of staff to have responsibility for the operation and management of the school complaints procedure (the school's 'complaints co-ordinator'), is the headteacher (or the Senior Leadership Team member covering for his/her absence).

5, Framework of Principles

- 5.1. An effective 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.

6, Investigating Complaints

6.1, At each stage, the person investigating the complaint (the complaints co-ordinator), makes 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 unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview.

7, Resolving Complaints

7.1, At each stage in the procedure the school 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

7.2, Complainants will be 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.

7.3, An effective procedure will 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.

8, Vexatious Complaints

8.1, If properly followed, a good complaints procedure will 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 GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

9, Time-Limits

- 9.1, Complaints need to be considered, and resolved, as quickly and efficiently as possible. To ensure we operate an effective complaints procedure, will have set realistic time limits for each action within each stage (see flowchart below for detail). However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Part 2: The Formal Complaints Procedure

10, The Stages of Complaints

- 10.1, The Cradley CE Primary School complaints procedure has four stages (see also flow chart of stages below). 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.
- 10.2, The four school-based stages are:
- Stage one: complaint heard by staff member
 - Stage two: complaint heard by headteacher
 - Stage three: complaint heard by Chair of Governors
 - Stage four: complaint heard by GB's complaints appeal panel.
- 10.3, If a complaint concerns the conduct of the headteacher or a governor or where a headteacher or governor has been involved in the issue previously, it will be dealt with by initially the Chair of Governors (Stage 3) and then the GB panel (Stage 4) if required.
- 10.4, In the event of a formal complaint being made against the Chair of Governors, the complaint will be reviewed by the Complaints Appeal Panel of the Governing Body. The school should seek guidance on this process from an Education Officer. The Committee will decide if the complaint has merit by reviewing the written information and will make any recommendations it feels appropriate to enable resolution of the matter. The outcomes will be communicated in writing within two working weeks to both sides by the Chair of the Panel, with reasons for the outcomes given.
- 10.5, Under this complaints procedure there is no further stage for a complaint against the Chair of Governors.
- 10.6, Whilst the formal Complaints Procedure is in process, efforts will be made, where possible, to resolve the issues by the use of negotiation/conciliation/mediation outside of the Complaints Procedure itself, on the understanding that any such process will not, in any way, affect the rights of any individual within the Complaints Procedure.

Part 3 – Managing and Recording Complaints

11, Recording Complaints

- 11.1, It is normal practice for school to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.
- 11.2, The complaints co-ordinator is responsible for ensuring that the records are kept and held centrally.

12, Governing Body Review

- 12.1, The GB can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole GB will not name individuals.
- 12.2, As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, the school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB can be a useful tool in evaluating a school's performance.

13, Publicising the Procedure

- 13.1, There is a legal requirement for the Complaints Procedures to be publicised. It is up to the GB to decide how to fulfil this requirement but details of the Complaints Procedure could be included in:
- the school prospectus
 - the governors' School Profile
 - the information given to new parents when their children join the school
 - the information given to the children themselves
 - the home-school agreement
 - home school bulletins or newsletters
 - documents supplied to community users including course information or letting agreements
 - a specific complaints leaflet which includes a form on which a complaint can be made
 - posters displayed in areas of the school that will be used by the public, such as reception or the main entrance
 - the school website.

Cradley CE VA Primary School Complaints Procedure

Stage One: Complaint Heard by Staff Member

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.

It would assist the procedure if the school respected the views 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/complaints co-ordinator can deal with the complaint or refer the complainant to another staff member. Where the complaint concerns the headteacher/complaints co-ordinator, the complainant can be referred to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the headteacher/complaints co-ordinator may deal with the complaint or refer the complainant to another staff member. The ability to consider the complaint objectively and impartially is crucial.

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. It would be useful if governors did 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.

Stage Two: Complaint Heard by Headteacher

The complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their original complaint. In this case, the complainant should contact the Headteacher. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage Three: Complaint Heard by Chair of Governors

The complainant needs to write to the Chair of Governors giving details of the complaint. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage two, as well as pursuing their initial complaint. The Chair will seek to resolve the issue as expeditiously as possible. The Chair may delegate the task of collating the information to a member of the staff Senior Management Team, but not the decision on the action to be taken.

Stage Four: Complaint Heard by Governing Bodies Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint and stating that, despite the influence of the Chair of Governors, he/she remain dissatisfied. The Chair, or a nominated governor, will convene a GB complaints panel.

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

Individual complaints would not be heard by the whole GB 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 may nominate a number of members with delegated powers to hear complaints at this stage, and set out its terms of reference. These can include:

- > drawing up its procedures
- > hearing individual appeals
- > making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

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 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 that 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 (who will also be accompanied by a responsible adult). 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

The Department strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be chosen by the panel. 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 should:

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

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.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified via the clerk of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Cradley CE Primary School Complaints Procedure - Formal Complaint Form

Please complete and return to (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

**What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?**

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

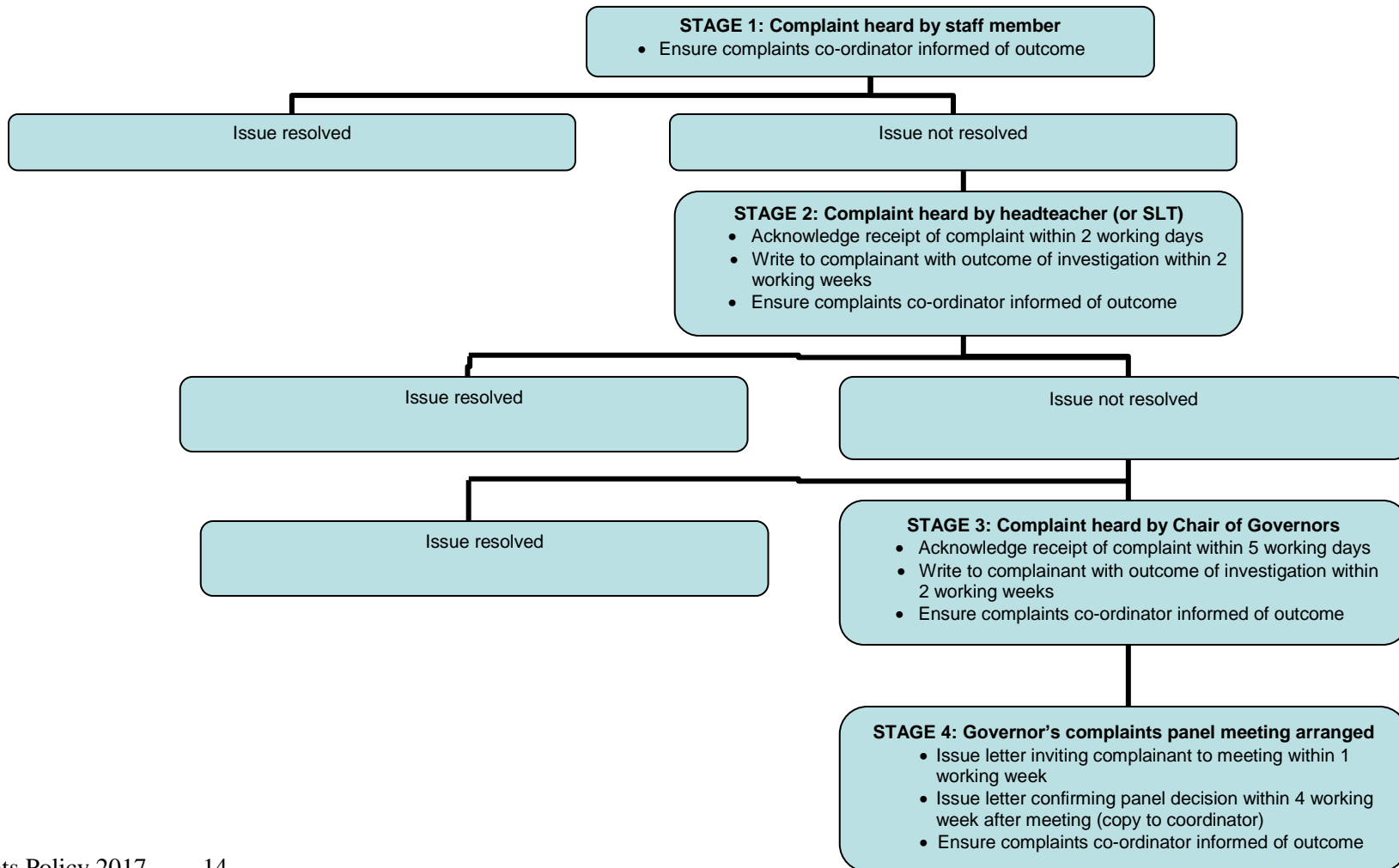
Checklist for a Panel Hearing

The panel needs to take the following points into account.

- The hearing should be 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.

Flowchart

Summary of Dealing with Complaints



Checklist for School Improvement

What lessons regarding school improvement can be learned from this complaint?

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