

Box CE VC Primary School

Complaints Procedure - Guidance for Parents

The difference between a concern and a complaint

A 'concern' may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*. A complaint may be generally defined as *'an expression of dissatisfaction however made, about actions taken or lack of action'*.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. We take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides. It is not intended to cover those aspects of school life where the law sets specific complaints procedures i.e. admissions, exclusions, 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. Further details about these procedures are available in other documents.

If you have a concern or complaint

We would like you to tell us about it. At Box Primary School, we welcome suggestions for improving our work. Be assured that no matter what you want 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.

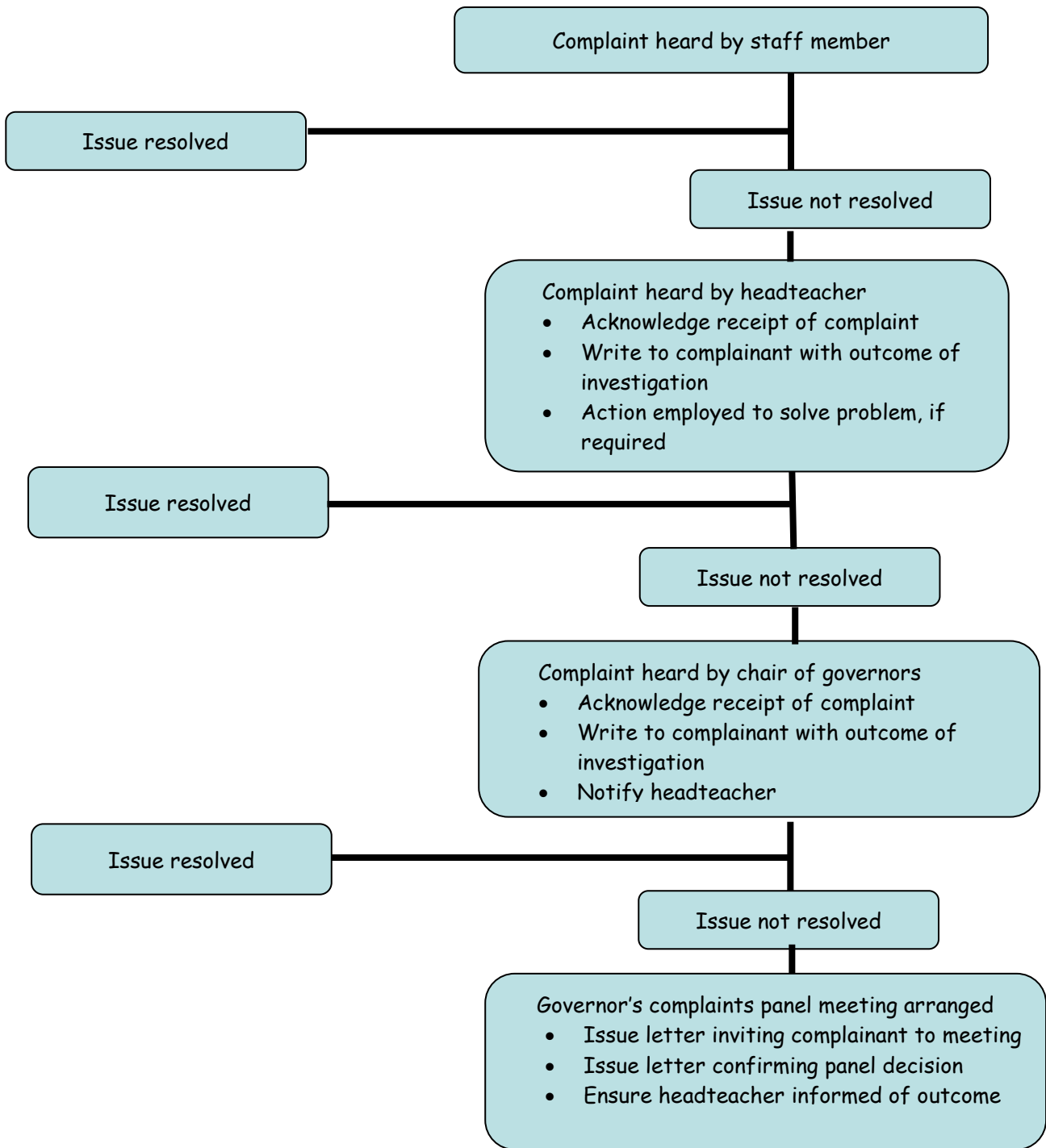
Recording complaints

A complaint may be made in person, by telephone, or in writing. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. The headteacher is responsible for recording the progress of the complaint and the final outcome.

NB complainants have a right to have copies of these records under the Freedom of Information and Data Protection Acts.

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Summary of Dealing with Complaints



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Complaints Procedure

This procedure is intended to set out how the school will deal with general complaints. Parents should feel able to express their views in the full knowledge that they will be dealt with fairly.

Aims

- An accessible and easily understood procedure for complaints.
- Encourage parents to express their views at the earliest opportunity, through the appropriate channels.
- To aid communication between parents and school.
- Whether a complaint is made informally or formally, all parties should ensure details are only known to those involved in investigating the complaint.
- Parents should be assured that making a complaint will not adversely affect their child.

Guidelines

Stage 1: The First Contact: 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, headteacher or chair of governors depending on the nature of the complaint.
- 1.2 If the person first contacted cannot deal with the matter immediately, they should make a clear note of the date, name, contact address or phone number and the issue raised.
- 1.3 Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. They should check later to make sure the referral has been successful. Complaints made informally to governors will be referred to the relevant member of staff or to the chair where appropriate. **Governors should not seek to be the channel for the complaint, rather a guide to where to go/what to do.**
- 1.4 On certain major issues, the headteacher may decide to deal with the concern directly at this stage.
- 1.5 If the complaint relates to the headteacher, the parent you should contact the chair of governors.
- 1.6 Complaints about the chair of governors, or any individual governor, should be made in writing and addressed to the clerk of governors.

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1.7 The person dealing with the concern should make 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.

1.8 Where no satisfactory solution has been found parents should be asked if they wish their concern to be considered further. If so they must be given clear information, both orally and in writing, about how to make a formal complaint.

Stage 2: Formal complaint to the headteacher

2.1 When a formal complaint is made, it will be acknowledged in writing within 3 working days.

2.2 The acknowledgment should give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within **10 working days**: if this proves impossible, a letter must be sent explaining the reason for the delay and giving a revised target date.

2.3 The headteacher (or designate) should provide an opportunity for the complainant to meet with them to supplement any information provided previously. It should be made clear to the complainant that if they wish they may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf, and asked if they have any special requirements the school needs to be aware of e.g. wheelchair access, signing etc.

2.4 If necessary, the headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. Children should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a Local Authority Designated Officer (LADO) or police investigation.

If a member of staff is complained against, the needs of that person should be borne in mind.

NB It is against our policy to divulge disciplinary action taken against a member of staff.

2.5 The headteacher (or designate) must keep written records of meetings, telephone conversations, and other documentation.

2.6 Once all the relevant facts have been established, the headteacher (or designate) should then produce a written response to the complainant, or may wish to meet the complainant to discuss /resolve the matter directly.

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2.7 A written response should include a full explanation of the decisions and the reasons for them. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that, should they wish to take the complaint further, they should notify the chair of governors within 5 weeks of receiving the outcome letter.

2.8 If the complaint is against the action of the headteacher, or if the headteacher has been very closely involved at stage 1, the governors' complaints panel should carry out all the stage 2 procedures.

Stage 3: Formal complaint to chair of governors

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

3.2 The chair of governors should write to the complainant to acknowledge receipt of the written request.

3.3 The chair of governors should investigate the complaint and respond in writing to the complainant with the results of the investigation with 3 weeks.

3.4 If the complainant is dissatisfied with the response then they should notify the clerk to the governing body in writing asking that the complaint be put before the complaints appeal panel.

Stage 4: Formal complaint to governors

4.1 Upon receipt of a written request by the complainant for the complaint to proceed to stage 4, the procedures outlined below should be followed.

4.2 The clerk to the governing body should 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 board within **20 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 received by the members of the panel.

4.3 The clerk to the governors should arrange to convene a governors' complaints appeal panel elected from members of the governing body or governors from another school.

4.4 The chair/vice-chair should ensure that the complaint is heard by the panel **within 20 working days of** receiving the letter in 3. 1. All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the chair of the panel should prepare a thorough summary for sending to panel members.

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4.5 The chair/vice-chair 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 should also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.

4.6 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.

4.7 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 the opportunity to question both the complainant and the headteacher
- any party to have the right to call 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.

4.8 The chair of the panel should explain to the complainant and the headteacher that the panel will consider its decision, and a written decision will be sent to both parties within **15 working days**. The complainant, headteacher, other members of staff and witnesses should then leave.

4.9 The panel should then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint; (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.

4.10 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.

Serial or persistent complainants

The school should do its best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where it is contacted repeatedly by an individual making the same point it will need to act

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appropriately. There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

Schools Complaints Unit (SCU)

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at:

www.education.gov.uk/help/contactus or by writing to:

Department for Education School Complaints Unit
2nd Floor,
Piccadilly
Gate Store Street
Manchester
M1 2WD

If legislative or policy breaches are found, the SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

Related documents:

Best Practice Advice for School Complaints Procedures DfE 2016

Understanding and Dealing with Issues Relating to Parental Responsibility DfE 2016

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Complaints Procedure – Staff Appendix

Guidelines for dealing with concerns and complaints informally

Parents must feel able to raise concerns about the school 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.

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 he or she wishes to take it further.

Parents should have an opportunity for discussion of their concern with the appropriate member of staff or the chair of governors, 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 or chair of governors 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.

Formal complaint to the Headteacher

As headteachers have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of a complaints system, including the decision 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. Headteachers should 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.

Formal Complaint to Chair of Governors

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 LA. This can provide a useful "outside view" on the issues.

Complaints rarely reach this formal level, but it is important that governing boards are prepared to deal with them when necessary. At this stage the school should seek advice from the LA. This can provide a useful "outside view" on the issues.

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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 board 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.

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 with the headteacher's response at the earlier stage, of the procedure, and it may be appropriate for the governing board to consider that the complaint is against the school, rather than against the member of staff whose actions led to the original complaint.

It may be necessary for the governing board to appoint reserves to the Panel to ensure that three governors are available to carry out their task within the set time. The panel members should be governors who have had no prior involvement with the complaint. If they have not previously been involved, the chair of the governing board should chair the panel; otherwise the vice-chair should do it. Generally it is not appropriate for the headteacher 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.

The chair/vice-chair of the governing board 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.

The involvement of staff other than the headteacher is subject to the discretion of the chair of the panel.

It is the responsibility of the chair of the panel to ensure that the meeting is properly minuted and that all communications are treated with discretion and confidentiality.

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and

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make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.

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

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.

Appendix 2

Governors Review

- Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised;
- If the whole governing board is aware of the substance of a complaint before the final stage has been completed, schools should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese;
- Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately, the decision is made by the governors;
- The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, schools may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance. The governing board may wish to consider using complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure;

Appendix 3

Exceptions not covered in the school complaints procedure

Exceptions	Who to contact
Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

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Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
Whistle blowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.