

# Hawkesbury CE VC Primary School

## Complaints Policy

## Part 1: General Principles of complaints

### Dealing with Complaints – Initial concerns

Members of staff 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.

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 existence of the complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

### Dealing with Complaints – Formal procedures

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

### Principles

This 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** (while ensuring that information is shared with all parties involved in the complaint wherever possible);
- 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.

### Investigating Complaints

At each stage, the person investigating the complaint will make 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.

## **Resolving Complaints**

At each stage in the procedure, members of staff 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 should 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.

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

## **Vexatious Complaints**

The number of complaints that become protracted will be very limited. 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.

## **Time-Limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible. The procedure sets out time limits for each action within each stage. 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**

### **The Stages of Complaints**

The complaints procedure is set out in defined stages. A flow chart of the process can be found in Annex B. Although this sets out, at each stage, who will be involved, what will happen, and how long it will take, 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 head teacher after a meeting with the complainant.

There are two school-based stages in this policy:

- Stage one: complaint heard by head teacher;
- Stage two: complaint heard by Governing Body's complaints panel.

If a complaint concerns the conduct of an individual governor, it should move straightaway to stage two. If a complaint concerns the conduct of the head teacher, the Chair of Governors will undertake the complaint at stage one.

An unsatisfied complainant can always take a complaint to the next stage. Should the complainant feel that the complaint has not been resolved by the school they can appeal to the Secretary of State for Education, either by completing the online [Complaint Form](#) or by writing to: The Department for Education, Sanctuary Buildings, 20 Great Smith Street, London, SW1P 3BT.

For the Secretary of State to intervene in a maintained school following a complaint, he needs to be sure either that:

- the school has acted or is proposing to act unreasonably in the exercise or performance of its functions under certain legislation; or
- the school has failed to discharge a duty at all under certain legislation.

In these circumstances, he can direct the school to act in a particular way. However, there would have to be something that the Secretary of State could instruct either party to do to put matters right.

### **Part 3: Managing and Recording Complaints**

#### **Recording Complaints**

The school will 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, the member of staff will 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.

Records of complaints will be kept for a minimum of six years.

The school complaint form can be found in Annex C. The complainant will be encouraged to complete the complaint form, but the school will not wait for the form to be completed before treating the matter as a formal complaint.

The head teacher is responsible for the records and will hold them centrally.

#### **Governing Body Monitoring of Complaints**

The Governing Body will 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. Complaints information shared with the whole Governing Body should not name individuals.

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 will consider whether there are underlying issues that need to be addressed.

### **Publicising the Procedure**

There is a legal requirement for the Complaints Procedures to be publicised. The Governing Body has decided to fulfil this requirement by including it in:

- the information given to new parents when their children join the school;
- the school website.

The Complaints Procedure and any associated forms will be readily available to parents.

Agreed at the Full Governing Body Meeting on 19<sup>th</sup> September 2016, agenda Item 8.

Signed: ..... Chair of Governors

Review Date: Autumn 2020

Equalities Impact Assessment: Completed



## **Hawkesbury CE VC Primary School Complaints Procedure**

Initial concerns should be raised with the Class Teacher. If the complainant is not satisfied following this informal stage, the concern becomes a complaint and will be dealt with as follows.

Where the first approach is made to a governor, the governor will refer the complainant to the appropriate person and advise them about the procedure. The governor will not act unilaterally on an individual complaint.

### **Complaint Heard by Head teacher**

The head teacher will meet with the complainant to understand the nature of the complaint and the desired outcome. He / she will then investigate the complaint and will reach a decision.

The head may delegate the task of collating the information to another staff member but will not delegate the decision on the action to be taken. The head teacher will notify the complainant of the decision within 5 school days.

Where the complaint is against the head teacher, the investigation at this stage will be undertaken by the Chair of Governors.

If the complainant is not satisfied, they may refer the complaint to the Governing Body.

### **Complaint Heard by Governing Bodies Complaints Panel**

The complainant needs to write to the Chair of Governors giving details of the complaint (or to the Vice Chair if the complaint is about the actions of the Chair). The Chair will write to the complainant to confirm receipt of the complaint and explain the next steps within five school days.

Individual complaints will not be heard by the whole Governing Body. On receipt of a complaint, the Chair will convene a Governing Body (GB) complaints panel. The panel will consist of three members and will choose their own chair. The panel should be established within ten school days of the receipt of the complaint.

The appeal hearing will be independent and impartial. No governor will 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 will 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 Remit of the Complaints 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.

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. It will seek to establish the facts and make recommendations where appropriate.

The panel will acknowledge that many complainants feel nervous and inhibited in a formal setting and that 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 and that the setting is informal and not adversarial.

In many cases it may be that a particular matter was not handled as well as it might have been and some review of procedures or other learning points may arise. The panel can also recommend changes to the school's systems or procedures for managing complaints.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The panel considering the complaint will be clerked. The clerk is 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;
- notify all parties of the panel's decision.

Once the panel is established, it should meet within 15 school days or should contact the complainant to explain why a delay is necessary.

### **The Role of the Chair of the Panel**

Before any hearing takes place, the Chair of the Panel should offer to meet the complainant in order to clarify the complaint and to explain the resolution they are seeking.

The Chair of the Panel will ensure 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 the Chair will give all parties the opportunity to consider and comment on it.

### **Notification of the Panel's Decision**

The chair of the panel will notify the complainant of the panel's decision, in writing, within ten school days.

The letter will explain the right of appeal to the Appeals Panel.

### **The Panel Hearing**

The process for a Panel Hearing will be as follows:

- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses (if there are any).
- The head teacher may question both the complainant and the witnesses after each has spoken.
- The head teacher is then invited to explain the school's actions and be followed by the school's witnesses (if any).
- The complainant may question both the head teacher and the witnesses after each has spoken.
- The complainant is then invited to sum up their complaint.
- The head teacher 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 10 school days of the hearing.
- Both parties leave while the panel decides on the issues.

The panel will take the following points into account:

- The hearing should be as informal as possible.
- Witnesses should only be required to attend for the part of the hearing in which they give their evidence.
- The panel may ask questions at any point during the process.

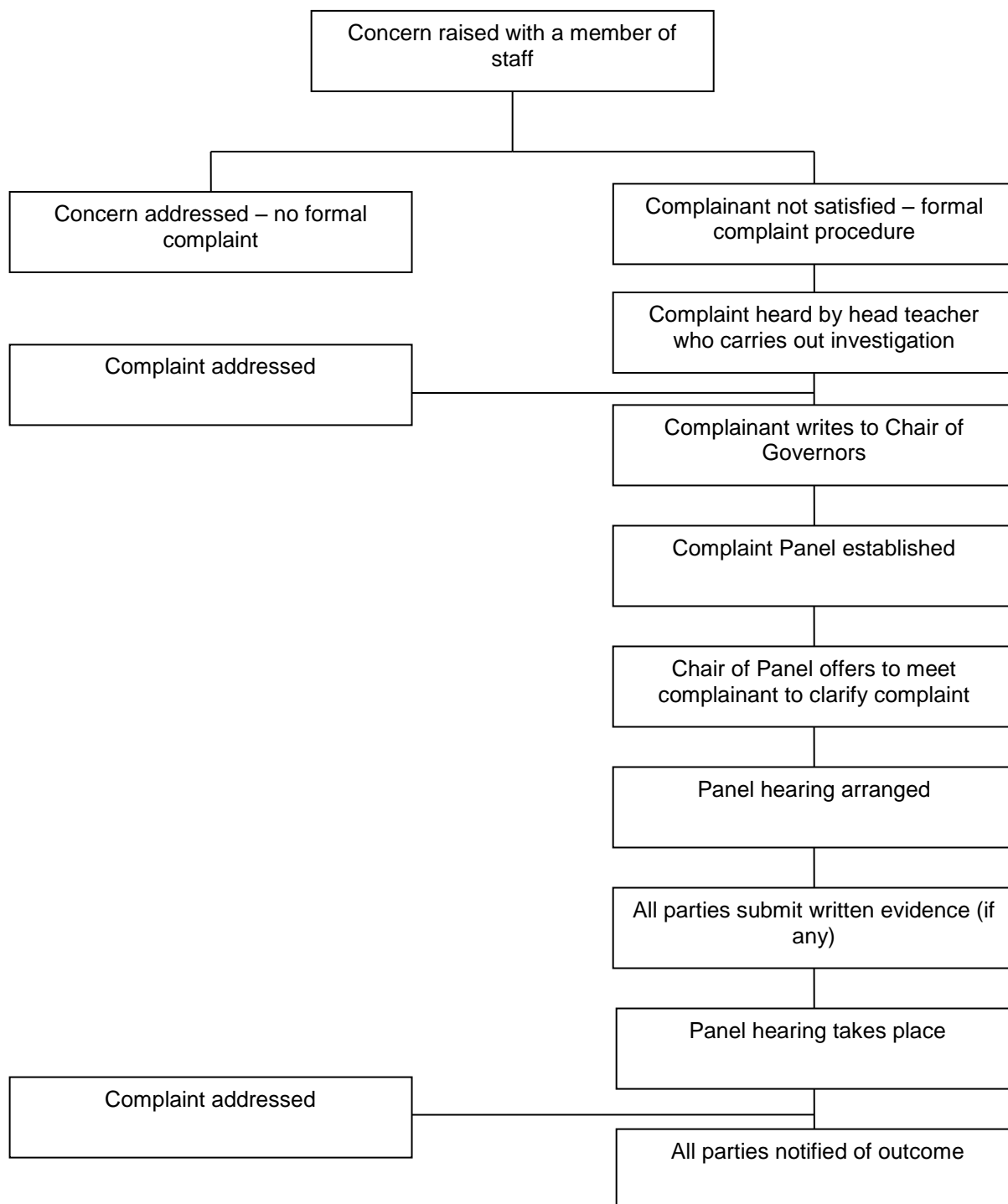
Particular care will be needed if pupils are to be involved in an investigation. Parental permission and accompaniment of an adult will be required if pupils are to be interviewed as part of the Governors' investigation.

Following the panel, the Clerk will notify all parties of the decision within 10 school days.

On occasions it may be appropriate to contact the complainant again at a later date, e.g. if the full Governing Body decides to review a school policy following a complaints investigation.



## Annex B



**Hawkesbury CE VC Primary School complaint form**

**Please complete and return to the Chair of Governors 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:**

**The Education Act 2002 (extract)**

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
  - (a) 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 falling 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 (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;