



*Together we succeed; Today we achieve.*

# **New Marske Primary School and Blossom Tree Nursery**

## **Complaints Procedure**

**Approved:** Autumn 2014

**Review:** Autumn 2016

## **Overview**

All maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, summarised in Annexe 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.

## **Part 1 : General Principles of complaints**

### **Dealing with Complaints – Initial concerns**

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.

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.

## **Part 2**

### **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.

The Head Teacher is the School Complaints Co-ordinator

### **Framework of Principles**

#### **An effective Complaints procedure will:**

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible and published;
- 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 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.

### **Investigating Complaints**

It is suggested that at each stage, the person investigating the complaint (the complaints co-ordinator), 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 school will 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 of more the following:

- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the reason for the complaint 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.

It would be useful if complainants were 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.***

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

### **Vexatious Complaints**

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.

### **Time Limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic 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.

### **The Stages of Complaints**

An efficient school complaints procedure will have well-defined stages. A flow chart of suggested **STAGES CAN BE FOUND IN Annex C**. At each stage it would be helpful to clarify exactly 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. Both of these examples could be included.

Three school-based stages are likely to be sufficient for most schools:

- Stage one:** complaint heard by staff member (though not the subject of the complaint)
- Stage two:** complaint heard by Head Teacher;
- Stage three:** complaint heard by GB's complaints appeal panel

Regardless of how many stages the school chooses, unsatisfied Complainant can always take a complaint to the next stage. Some procedures may allow for an additional stage if the LA, or other external agency provides an independent appeal or review.

An effective procedure will specify how a complaint will be dealt with if it concerns the conduct of the Head Teacher or a governor or where a Head Teacher or governor has been involved in the issue previously.

An example of a complaints procedure can be found in Annex B.

### **Complaints against the head teacher**

### **Guidance on Investigating Complaints**

As a first step, the Chair should clarify that the "complaint" is actually a complaint against the Head Teacher and is appropriate to address through the school's complaints procedure. It is not always clear whether the complaint is against the Head Teacher given that they are responsible for all operational decisions across the school. For example, a parent may perceive they are complaining about the Head Teacher when they are actually complaining about the enforcement of a school policy, in which case it might

be appropriate to refer the complainant to the Head Teacher or another member of staff. Similarly, some issues are more appropriate to refer through another procedure, such as the Disciplinary Procedure or Procedure for Managing Allegations Against Staff. The School Governor Support Service would be happy to assist Chairs in identifying the appropriate route. Telephone Glennis Smith on 01642 444333 or Donna Scott on 01642 444219

Having established that it is a complaint about the Head Teacher to be addressed under the school's complaints procedure, the Chair of Governors should consider whether there is any reason why they should not personally undertake the investigation. For example, prior knowledge of or involvement in the case, or personal knowledge of the complainant/s is likely to mean the Chair could not be impartial in conducting an investigation. In such cases the Vice-Chair or another governor should conduct the investigation.

In investigating a complaint the Chair should:

- acknowledge the complaint and give the complainant a rough timescale for conducting the investigation
- 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 interviews with an open mind and be prepared to persist in the questioning
- take witness statements if considered appropriate
- keep notes of any interviews
- prepare a response to be sent to the complainant summarising the findings of the investigation and the conclusion

Responses might include one or more of the following:

- an acknowledgement that the complaint is valid in whole or in part.
- an explanation
- an apology
- 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

## Part 3

# Managing and Recording Complaints

### Recording Complaints

It would be useful to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Annex D. 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.

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.

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, schools 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.

### Publicising the Procedure

There is a legal requirement for the Complaints Procedure to be published. It is up to the GB to decide how to fulfil this requirement but details of the Complaints Procedures could be included in:

- The school prospectus
- 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

This policy was reviewed during the Spring term 2014

Signed.....Head Teacher

Signed.....Chair of Governors

## **ANNEX A**

### **Section 29 of the Education Act 2002 requires that:**

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 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

In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance from time to time (in relation to England) by the Secretary of State.

### **Section 39 of the Education Act 2002 provides the following:**

- a) "maintained school," means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;
- b) "maintained nursery school" means a nursery school, which is maintained by a local education authority and is not a special school.

## **Annex B**

### **AN EXAMPLE OF A 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 complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Head Teacher, the complaints co-ordinator can refer the complainant to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. 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 Head Teacher**

The Head Teacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. 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 Governing Body Complaints Appeal Panel**

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or nominated governors, 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 that 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
- Recommended 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 governors 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 complainant. However, it has to be recognised the complainant might not be satisfied with the outcome of 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.

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 given them equal consideration of those 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.

## **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 the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing, ensuring that the date is 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 for 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 role:**

- Check that the correct procedure has been followed
- If a hearing is appropriate, notify the clerk to arrange the panel

### **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