



# Aiming high.... together

## SCHOOL COMPLAINTS POLICY

Oct 2016

Complaint coordinator: Zoe Avastu

### Introduction:

The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. Eastington Primary School is committed to taking concerns seriously and at the earliest stage knowing that working in partnership facilitates the best outcomes for children and families. This prevents concerns becoming complaints through informal means wherever possible.

However, depending on the nature of the concern, the action taken or lack of action taken, you may wish or be asked to follow the school's formal complaints procedure as set out in this policy. The prime aim of this policy is to set out the procedure to resolve a complaint as fairly and speedily as possible to enable all parties to move forward. Formal complaints will be dealt with in a sensitive, non-adversarial, impartial and confidential manner.

Since 1 September 2003 governing bodies (GBs) of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised. The following details outline the stages that will be used to resolve complaints at Eastington Primary School:

- Stage 1 (informal): concern heard by an appropriate staff member
- Stage 2 (formal): complaint heard by Headteacher
- Stage 3 (formal): complaint heard by Chair of Governors
- Stage 4 (formal): complaint heard by GB's complaints appeal panel.

### **Stage 1 – concern heard by staff member**

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with their child's class teacher. On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at stage 1, please write to or call the school within 10 school working days. The school will then look at your complaint at the next stage.

### **Stage 2 – complaint heard by Headteacher;**

The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The Headteacher will arrange for the complaint to be acknowledged within 5 school working days of receiving it and a meeting may be convened to discuss the matter further. Following the investigation the Headteacher will aim to provide a response within 10 school working days. However if a complaint is more complex to review this can be extended to a maximum of 20 school working days. The school will provide you with details of the new deadline and an explanation on the delay. If you are not satisfied with the result at stage 2 please write to or call the school within 10 school working days of receiving our response. The school will then look at your complaint at the next stage.

### **Stage 3 – complaint heard by Chair of Governors**

If the matter has not been resolved at Stage 2 or the complaint is about the Headteacher, then you will need to write to the Chair of Governors c/o the school. The Chair of Governors will arrange for the complaint to be acknowledged within 5 school working days of receiving it and a meeting may be convened to discuss the matter further. Following an investigation, the Chair of Governors will aim to provide a written response within 10 school working days of the acknowledgement. However if a complaint is more complex to review this can be extended to 20 school working days. The school will provide you with details of the new deadline and an explanation on the delay. If you are dissatisfied with the result at stage 3, you will need to let the school know within 10 school working days of receiving the response. The school will then look at your complaint at the next stage.

### **Stage 4 – complaint heard by Governing Bodies Complaints Appeal Panel.**

If the matter has still not been resolved at Stage 3, then you will need to write to the Clerk of Governors giving details of the complaint and asking that it is put before the appeal panel. Should the Chair have been involved at any previous stage in the process the Vice Chair will convene a complaints panel. The complaint will be acknowledged within 5 school working days of receiving it. The hearing will normally take place within 20 school working days of sending the acknowledgment.

The aim of the Appeal panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. All parties will be notified of the Panel's decision in writing within 5 school working days after the date of the hearing.

### **Resolving Complaints**

At each stage in the procedure Eastington School will keep in mind ways in which a complaint can be resolved. It may 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.

The procedure is designed to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred, so as to promote a positive atmosphere in which to discuss any outstanding issues.

Complainants are 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.

### **Vexatious Complaints**

If properly followed, the 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.

### **End of school process**

If on conclusion of the procedure outlined in this policy you feel that the School's Governing Body has acted unreasonably you may make a complaint in writing to the Secretary of State for Education. You may contact the Department for Education by writing to: The School Complaints Unit (SCU) Department for Education 2nd Floor, Piccadilly Gate Manchester M1 2WD.

## **APPENDIX 1: THE ROLE OF GOVERNORS**

If governors are approached regarding a complaint, they should be mindful not to act outside the formal procedure or become involved or have discussions with other governors at the early stages in case they are needed to sit on a Complaints Appeal Panel at a later stage of the procedure.

### **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 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.

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

The clerk is the contact point for the complainant if the complaint moves to stage 4 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.

## **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.

## **Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- The hearing is 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.
- The head teacher may question the complainant after they have spoken.
- The head teacher is then invited to explain the school's actions.
- The complainant may question the head teacher after they have spoken.
- The panel may ask questions at any point.
- 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.
- 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.

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

The chair of the complaint appeal panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response.