



Sidemoor First School and Nursery

Policy and Procedure for Responding to Complaints

The Governing Body adopted this Policy in Spring 2015

We strive to ensure Sidemoor provides a good education for all our children, and that the Headteacher and staff work conscientiously to build positive relationships with all parents.

Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England were required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school.

On September 1st 2014 the DfE published The School Complaints Toolkit which also introduced a new final stage in the complaints process – School Complaints Unit. The law also requires the procedure to be publicised.

Sidemoor First School publishes details of its Complaints Procedure in the following ways:

- the school website
- the school prospectus

This procedure should be referred to as the 'Non-curriculum complaints policy'.

A) General Principles

Dealing with Complaints – Initial concerns

At Sidemoor First School and Nursery we are clear about the difference between a concern and a complaint. All informal concerns will be considered seriously at the earliest stage which will reduce the numbers that develop into formal complaints 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 will receive the first approach. It would be helpful if staff were able to resolve issues on the spot.

Dealing with Complaints – Formal procedures

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

This procedure contains the stages for resolving complaints, time limits and advice on the conduct of meetings.

Every attempt will be made to adhere to the time limits specified in the procedures which follow, but these may in exceptional circumstances be exceeded. In such cases the School/ Governors will advise the reasons and set a new time-scale.

A complaint will usually be considered as 'out-of-time' if it is raised more than 3 months after the matter is known to the complainant but exceptions will be considered.

Anonymous complaints will not be investigated, except in exceptional circumstances.

The aim of this policy is to resolve concerns at the earliest opportunity and effect clear lines of communication and reconciliation. If the complaint needs to be formalised, the complainant will be invited to communicate the complaint on a completed form, an example of which is found in Annex B. This form will also invite a view about what actions might be felt to resolve the problem.

B) Possible resolutions

Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about, (if justified) will not recur. Others may be resolved by an undertaking to review school policies. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An acknowledgment that the school could have handled the situation better is not the same as an admission of any negligence.

C) Later Stages.

Where concerns are not resolved on an early timescale, the procedure allows for formal consideration by the Headteacher, and later still, by a Governors' Complaints Panel.

D) Unresolved Complaints.

Occasionally, a complainant may remain dissatisfied, even though this procedure has been followed. However, it will not normally be possible to re-open the same issue. In such circumstances, the Chair of Governors will inform the complainant that the procedures have been exhausted and that the matter is closed.

If the complainant tries to reopen the same issue, the Chair of Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Where the complainant continues to complain about the same issue then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

E) Recording Complaints

This school will monitor and record all parents'/carers' complaints. This will endorse and ensure the continuation of good practice. Progress of the complaint and the final outcome will always be recorded and, following conversations / meetings, staff will

clarify with the complainant that they both have the same understanding of what was discussed and agreed.

F) Governing Body Review

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis. The information shared with the whole Governing Body will ensure anonymity. The monitoring and review of complaints by the school will assist in evaluating the school's performance.

G) School Complaints Stages in Detail

It is acknowledged that, where concerns are raised, they are more often than not raised with a more senior person, i.e. a Key Stage Co-ordinator, Assistant Head, Deputy Head, or the Headteacher, rather than a more junior teacher. The first stage therefore could, if appropriate, be dealt with informally by one of a number of possible people.

Our school complaints procedure has well-defined stages.

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.

Stages of Complaints:

Stage 1 (informal): voiced concern heard by staff member (though not the subject of the complaint);

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.

Complaints against the Headteacher should be dealt with by the Chair of Governors (stage 3). Complaints against governors should be made by writing to the clerk of the governors.

Stage 5

Final stage of appeal is to the Secretary of State for Education.

Stage 1 (Informal) Complaint heard by staff member

It is in everyone's interest that complaints are resolved at the earliest possible stage and that the process is followed.

The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. All staff are aware of the procedure, and they will 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 complaint can be referred to another staff member.

However, complainants, at this stage, must follow the process before progression to Stage 2. Their child's class teacher should be their first point of contact in the process so that the complaint can be dealt with informally. It is also more likely that the class teacher will know more about the child and about the circumstances that led to the complaint.

If the member of staff directly involved feels too compromised to deal with a complaint, they 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 any member of staff becomes aware of a voiced concern, they should deal with it themselves, if it is appropriate, and they feel comfortable in doing so. Many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most concerns will be readily resolved at this informal stage. Where the person approached feels uncomfortable with dealing with the matter directly, they should involve, for example, their line manager/mentor

In the case of serious concerns (or where the school deems it more appropriate to do so) it may be necessary for a member of staff to refer these matters directly to the Headteacher.

Where the complaint is specifically about the Headteacher, similarly the complainant should discuss this with him/her at this stage first although the complainant can be referred to the Chair of Governors.

Should a complainant make an approach to a governor, they should be advised of the formal process and the governor will not become involved.

Where informal attempts by the school have failed to bring about a satisfactory resolution for the complainant, the complainant is entitled to request that the complaint be treated more formally, moving to Stage 2.

If the complaint is specifically about the Headteacher, and s/he has had the opportunity in Stage 1 to discuss the matter, the complainant can then directly move to Stage 3.

Stage 2 (Formal) Dealt with by the Headteacher

This stage can be initiated if / when dissatisfaction with the outcome of stage one is received by the school. At this point, a copy of these Procedures and Policy will be sent to the complainant within 3 school days, together with the formal complaint form (Annex B).

The form is structured so that each party has a common understanding about the complaint. As the main purpose of the process is to achieve reconciliation, complainants are also asked what actions might resolve the problem.

On receipt of a completed Annex B it will be acknowledged within 3 working days and the investigation will commence.

Stage 2 of the formal process and all communications between parties will be recorded.

Before proceeding with a formal investigation, the Headteacher may wish to meet with the individual and discuss his/her concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure. In the latter case, the Headteacher will advise the complainant on what will need to be done.

The investigation should involve the review of any relevant documentation and information. If necessary, interviews will be conducted and statements taken from those involved.

The outcome of the investigation should be communicated to complainants, either at a meeting (followed up in writing) or as a written response. This response should explain the outcome and should be supported by reasons for reaching this decision and what action, or improvements, are to be undertaken if any. (If management action is subsequently required against an employee of the school, the complainants will not have access to this information).

This response should be provided within 10 school days of acknowledging the complaint.

If the complainant is still dissatisfied with the response given and would like to take the complaint to stage 3, they should make this clear in writing to the Chair of Governors, giving details of the complaint.

Stage 3 (Formal) Complaint heard by Chair of Governors

If the complainant is not satisfied with the response of the Headteacher or the complaint is about the Headteacher, the complainant should fully complete Annex B (if not completed already) and submit this to the Chair of Governors to request that their complaint is considered further.

On receipt of all the information the Chair of Governors will review, evaluate,

consider and verify that the parent/career has properly exhausted all Stage 2 procedures. Should a revised form of action be required the Chair will refer the matter back to the Headteacher.

Stage 4 (Formal) Dealt with by Governors' Appeal Panel

The Chair, informs the Clerk that a complaints appeal panel is needed and this will be convened. The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel.

The governors' appeal hearing is the last school-based stage (stage 4) of the complaints process and will be independent and impartial.

Individual complaints will not be heard by the whole Governing Body at any stage so as to prevent contamination.

The Clerk may be the Clerk to the Governing Body, or, in exceptional circumstances, another Governor acting as Clerk, (over and above those selected for the Panel).

The Chair of Governors will identify three governors chosen from an agreed pool of governors to form the Complaints Panel, and the Panel will appoint its own chair.

The Chair of Governors or Clerk to the Governors' Complaints Panel will acknowledge (to the complainant) receipt of the information from the Headteacher within 5 working days.

This letter will inform the complainant that the complaint will be heard by the Complaints Panel within 15 working days. In exceptional circumstances, the complainant will be notified where this timed period will need to be extended and the reasons for this.

The Clerk of the Panel will convene a meeting of the Complaints Panel, (as identified by the Chair of Governors), and arrange a time and date for the meeting. An Agenda will be prepared distributed to all parties, (including the Panel members) in advance of the meeting.

The Panel has discretion as to how it will carry out its duties, some of which are itemised in Annex A. As part of this, complainants will be asked to attend a meeting of the Panel (with accompanying relative or friend if desired).

The Chair of the Panel needs to ensure that the complainant is notified of the Panel's decision in writing **within 5 working days** of the meeting. The response will include action (if any) that needs to be taken and where appropriate, suggest changes to, or review of, the school's systems or procedures to ensure that similar problems do not happen again.

If the complainant is dissatisfied with the response they have been given, and would like to take the complaint further, they should be referred to stage 5 of this procedure.

Stage 5 (Formal)

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at: Department for Education

2nd Floor, Piccadilly

Gate Manchester

M1 2WD

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, 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.

Annex A

The Remit of the Complaints Appeal Panel

The Panel as a result can:

- ❖ Dismiss the complaint in whole or in part
- ❖ Uphold the complaint in whole or in part
- ❖ Decide on appropriate form of action to be taken (See possible resolutions below)
- ❖ 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 uphold the complaint either fully or partially. 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. 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 will be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

Any panel or group of governors considering complaints must 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 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.

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged. It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

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 requested and is deemed 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;

- ❖ each side is given the opportunity to state their case and ask questions;
- ❖ written material is seen by all parties.

The Panel should consider: -

- ❖ The evidence (written and oral) from the school representatives and the complainant.
- ❖ The relevant school policies and procedures (e.g. anti-bullying, race equality, dress code, and discipline).
- ❖ The extent to which the school's action is consistent with the appropriate school policy (i.e. have the school managed the issue in the manner defined in their documentation?).
- ❖ Areas of agreement identified between the parties.
- ❖ Misunderstandings identified, which can be remedied.

THE HEARING

Reports and statements submitted to the Panel should be made available to all parties in advance of the hearing.

The Chair of the Panel must determine in advance the most appropriate method of conducting the hearing into the complaint so that the Panel may achieve 'best evidence'. The decision will be influenced by the contents of the Complaints Form and other information to hand. Some possibilities are listed below, but they are not exhaustive:

Option One

To consider the written statements, reports and evidence provided in advance, and to question the originators about their substance.

This approach is likely to be least effective, as it might result in a time-consuming search for additional information and cross-referencing.

Option Two

Interviewing separately the complainant and the school representative, and other parties deemed relevant by the Chair, in order to hear statements and collect additional directly related evidence.

Option Three

With the agreement of all parties, to hold a hearing with both sides present and available to respond to questions put by the Panel, and through the Chair. Such a meeting should be non-adversarial.

Option Four

With the agreement of all parties, to hold a meeting with both sides present, to follow an Agenda on the lines of the following Model: Witnesses are only required to attend for the part of the hearing in which they give their evidence.

Model Agenda

- 1) Complainant explains reasons for making the complaint, and calls witnesses if desired.
- 2) Headteacher may ask questions of the complainant and the witnesses after each has spoken
- 3) Headteacher invited to explain the school's actions and call witnesses if desired
- 4) Complainant and Panel members may ask questions of the school and the witnesses after each has spoken
- 5) The panel may ask questions at any point
- 6) Complainant is invited to sum up the complaint
- 7) Headteacher is invited to sum up the school's actions and response to the complaint
- 8) The chair explains that both parties will hear from the panel within a set time scale
- 9) The parties leave together, and the Panel considers its decision

It is essential to recognise at all times, that the procedure for any of the above options deals only with establishing the validity of a parental complaint and does not constitute a hearing connected with any disciplinary process.

The complainant is welcome to bring an accompanying relative or friend if desired, and witnesses if appropriate.

The school representative will be the person who dealt with Stage Two [The Headteacher usually, but the Chair of Governors if the complaint is related to the Headteacher]. S/he may bring a friend if desired.

If other members of staff or other witnesses are needed because of their perceived involvement in the substance of the complaint, each, too, may be accompanied by a friend.

The Clerk to the Governors' Panel will be responsible for inviting participants into the room at the relevant times, and make introductions as necessary.

The Clerk to the Governors' Panel should keep an accurate record of the discussion at the meeting. The Governors may need to refer to this to assist them in their consideration of the case. It may be helpful to the complainant for them to be informed if these notes will be made available to them. If, as a result of the complaint being upheld there is any disciplinary action towards a member of staff, the complainant is not permitted any knowledge of this. Therefore, if any notes are made available to complainants, any such references should be removed before being sent.

The Chair should explain the Panel's Remit and that the purpose of the hearing is to review the complaint and try to resolve the issues to enable reconciliation between the complainant and the school. It may only be possible to establish the facts and recommend future actions.

The Chair should reassure all parties that they will have every opportunity to state their case.

The Chair should explain the procedure decided upon for the hearing. It may be helpful to have printed copies of this available to all parties.

Notification of the Panel's Decision

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within 5 school days.

The letter will explain:

- ❖ If there are any further rights of appeal and, if so, to whom they need to be addressed
- ❖ The appropriate action to be taken by the school, if necessary.
- ❖ If any recommendations to review / revise school policies and procedures are made, this should identify a reasonable timescale and a nominated person who will be responsible for this to be achieved. Progress should be monitored by the Governing Body

Reminder: If as a result of the complaint being upheld, there is disciplinary action contemplated towards a member of staff, the complainant is not permitted any knowledge of this.

The final stage of appeal is to the Secretary of State for Education. Complainants should be advised to write to The School Complaints Unit (SCU) at:

Department for Education,
2nd Floor,
Piccadilly Gate,
Manchester
M1 2WD

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, 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.

ANNEX B

Complaint Form to be supplied with a copy of the adopted procedure

Please complete and return to the Headteacher who will acknowledge receipt

The Procedure, at Stage 2, explains what action will be taken after receipt.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email address:

Please give full details of your complaint including the date and time.

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

The form continues overleaf.....

What actions do you feel might resolve the problem?

Are you attaching any paperwork? If so, please enclose / attach full copies and details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom?:

Complaint referred to:

Date:

Annex C - 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, 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.