

Walsden St Peter's CE (VC) Primary School

Complaints Procedure

Based on LEA/0180/2003

**Adapted and adopted by Walsden St Peter's CE (VC) Primary School
on 19th April 2010**

School Complaints Procedure Index

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Overview

1. 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, summarised in Annex 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.
2. The majority of schools already had a complaints procedure in place, generally based on Local Education Authority (LEA) or Diocesan Board models. This document is intended to help schools draw up a complaints procedure if they have not already done so, or to review their existing procedure if they wish. A framework of principles can be found at paragraph 8. LEAs are already required to set up a procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school. The GB's complaints procedure does not replace the arrangements made for those types of complaint. In addition, there are certain complaints which fall outside the remit of the GB's complaints procedure, for example, staff grievances or disciplinary procedures. It is recommended that the governing body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities [even if it's hiring it out for a wedding reception!], have their own complaints procedure in place.
3. When schools draw up their procedure it is recommended that local teacher associations and LEAs be involved. An example of a procedure, which schools might find helpful, is at Annex B.

This note does not represent Statutory Guidance issued by the Secretary of State.

Further information can be obtained from:

Colin Geddes
School Government Team
Mowden Hall
Staindrop Road
Darlington
DL3 9BG
Tel: 01325 391102
E-mail: gov.recruit@dfes.gsi.gov.uk

Web link to Act – <http://www.legislation.hmsso.gov.uk/acts/acts2002/20032--f.htm#29>

*The Department wishes to acknowledge the contribution of The Advisory Centre for Education and also Hampshire, Surrey and West Sussex Local Education Authorities in the production of this document. Some of the material is reproduced, by kind permission, from their Complaints Procedures.

Part 1: General Principles of complaints

Dealing with Complaints – Initial concerns

4. 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.
5. 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.

Dealing with Complaints – Formal procedures

6. 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.
7. Schools might wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'complaints co-ordinator'. In smaller schools this may often be the headteacher.

Framework of Principles

8. An effective 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**;
 - 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

9. It is suggested that at each stage, the person investigating the complaint (the complaints co-ordinator), makes 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

10. At each stage in the procedure schools 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.

11. 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.

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

Vexatious Complaints

13. 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

14. 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.

- It is the agreed policy of Walsden St Peter's CE (VC) Primary School that if a formal complaint is received (on the approved form), that the complainant should receive a written response within 10 working days
- From the point a formal written complaint is received, all communication regarding procedure/arrangements shall be in writing only. No telephone or casual conversations should take place between any member of school staff or the Governing Body with the complainant.
- It is the agreed policy of the Governing Body of Walsden St Peter's CE (VC) Primary School that a reasonable timescale between stages of a complaints procedure is 10 working days.
- It is the agreed policy of the Governing Body of Walsden St Peter's CE (VC) Primary School that all written communication from the Head Teacher or Governing Body with the complainant should be as precise and unambiguous as possible in order to avoid genuine or deliberate misunderstanding and delay.
- Examples of appropriately worded letters are included as appendices to this policy.

Part 2: The Formal Complaints Procedure

The Stages of Complaints

15. 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 headteacher after a meeting with the complainant. Both of these examples could be included.

16. 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 headteacher;
- Stage three: complaint heard by GB's complaints appeal panel;

In very small schools it may be necessary to go straight to stage 2.

17. Regardless of how many stages the school chooses, an unsatisfied complainant can always take a complaint to the next stage. Some procedures may allow for an additional stage if the LEA, Diocese Body (DB) or other external agency provides an independent appeal or review.

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

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

Part 3 – Managing and Recording Complaints

Recording Complaints

20. It would be useful for schools 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.

21. The complaints co-ordinator could be responsible for the records and hold them centrally. *Note: where a formal complaint has been received and the Chair of Governors is managing this, it is EXTREMELY useful for the C of G to keep a careful log of all communications/events etc.*

Governing Body Review

22. 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.

23. 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

24. There is a legal requirement for the Complaints Procedures to be publicised. 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;
- any report/communication from the governors to parents;
- 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.

Annex A

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;

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 headteacher, 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 Headteacher

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 Bodies Complaints Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints panel.

The governors' 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;
- 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.

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 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 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 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;

- 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 it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Addendum

It is the agreed policy of the Governing Body of Walsden St Peter's CE (VC) Primary School that once a complaint reaches a Governing Body Complaints Panel, the complaint and all documentation relating to it shall always be fully considered. A decision will always then be made as to whether or not the complaint should be upheld or dismissed in whole or in part.

In the event of the complainant either withdrawing the original complaint or stating s/he no longer wishes to pursue it, then the Governing Body shall still complete the process as described above. However, in such an instance the complainant would not be informed of the outcome.

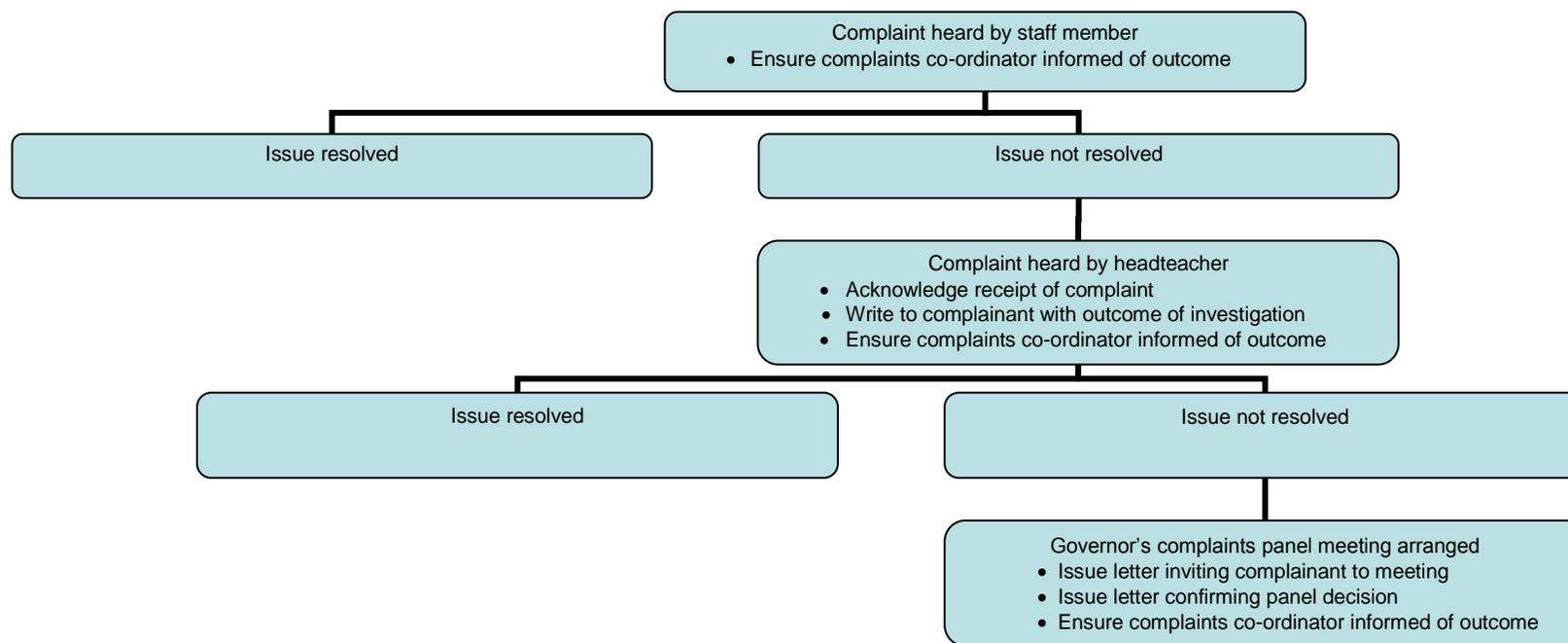
Checklist for a Panel Hearing

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.

Flowchart

Summary of Dealing with Complaints



Annex D
Complaint form

Please complete and return to the headteacher (complaints co-ordinator) 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:

Appendix

Examples of letters



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Rochdale Road
Todmorden
OL14 6RN

T 01706 812947

F 01706 819285

admin@walsden.calderdale.sch.uk

Headteacher: Mr Sample

3rd October 2010

Dear Mr. Example

This letter is to acknowledge receipt of your letter of formal complaint, dated 28th September 2000, and relating to Mr Sample Headteacher of Walsden St Peter's School.

Please be advised that the School Complaints Procedure has been activated, and that you will be contacted within ten working days to inform you of the next stage of the proceedings.

Yours sincerely,

xxxxxx

Chair of Governors



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Rochdale Road
Todmorden
OL14 6RN

T 01706 812947

F 01706 819285

admin@walsden.calderdale.sch.uk

Headteacher: Mr Sample

4th October 2010

Dear Mr. Example

Further to my letter dated 3rd October 2000, I am now able to outline the process that will now occur in response to your complaint.

As your complaint is formal, and because that complaint is about the Headteacher, it is proper procedure for the Chair of Governors to conduct an investigation.

Following this investigation I will provide you with a detailed written response to your complaint. The target date for this response to be completed is Tuesday 16th October 2010 (9 working days from today). You will then be sent a written copy by first class post.

If for any reason it looks like there might be a delay, then I will inform you as soon as I am able – with an explanation for that delay, and a revised target date.

As part of this process it would be useful to discuss further with you the information you have included in your letter of complaint and to this end I would like to propose a meeting at the earliest convenient time. At this meeting you may suggest the names of some witnesses from whom you feel it would be beneficial for me to gain statements. I would be grateful if you would provide the school with a few possible dates and time for this meeting so a mutually convenient time and location can be arranged.

Please note that I will also be conducting a similar meeting with Mr Sample.

It is hoped that as a result of this investigation a satisfactory resolution to your complaint will be found.

Yours sincerely,

xxxxxxxxxxxx
Chair of Governors



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Rochdale Road
Todmorden
OL14 6RN

T 01706 812947

F 01706 819285

admin@walsden.calderdale.sch.uk

Headteacher: Mr Sample

17th October 2010

Dear Mr. Example,

Re: Formal complaint about Mr Sample (Sep. 2010)

I have now completed a full investigation following your formal letter of complaint (dated 28.09.00), relating to the incident that took place in the playground of Walsden St Peter's School on the morning of 20th September 2010.

I have met with both yourself and Mr Sample, and have received statements from several people who witnessed the incident, during which you state that*re-state nature of complaint*

As a result of my investigations I am satisfied that Mr Sample acted in an appropriate and professional manner.

Add here summary of findings re incident.

I am satisfied that Mr Sample's actions in this situation were appropriate to his position as Headteacher whose primary duty of care is to the children within Walsden St Peter's School.

Add here is possible some action that will be taken in the light of the complaint. For example:

However, I can also inform you that following this incident a full review is to be made of school policy relating to dealing with conflict situations between parents (or other adults) on school grounds. This will include the statutory responsibilities of a Headteacher, and established best-practice.

I hope that this provides satisfactory closure to your concerns. If you feel that this is not the case, and you wish to take this complaint further please notify me in writing within 10 working days of receiving this outcome letter.

Yours sincerely,

xxxxxxxxxx
Chair of Governors



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Rochdale Road
Todmorden
OL14 6RN

T 01706 812947

F 01706 819285

admin@walsden.calderdale.sch.uk

Headteacher: Mr Sample

31st October 2010

Dear Mr. Example

Re: Formal complaint about Mr Sample (Sep. 2010)

I have received your letter dated 21st October 2010.

Your letter requests that your complaint to be forwarded for further examination, beyond the conclusions and stated outcomes of the full investigation by the Chair of Governors.

I am writing formally to acknowledge your written request and to inform you that the matter has now been handed to the Clerk to the Governors. The Clerk to the Governors will be responsible for convening the Governing Body Complaints Panel.

The Complaints Panel will hear the complaint within 20 working days of your receiving this official acknowledgement. Assuming that you receive this letter on Friday 2nd November, this means that the complaint will be heard on or before Friday 30th November 2010.

The Clerk to the Governors will be contacting you shortly.

Yours sincerely,

xxxxxxxxxx
Chair of Governors