



St Mary's Bucknell Primary School

Complaints Policy

March 2019

(Following guidance issued in the DfE School Complaints Toolkit)



Overview

From 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England are 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.

At St. Mary's we aim to provide a happy, caring, family environment and encourage children to develop into well behaved, confident, independent people. We are committed to encouraging the involvement of parents in the community of the school and in their children's education.

Aims of the Policy

- To provide clear and understandable procedures for dealing with complaints
- To resolve concerns through informal discussions at the earliest stage
- To facilitate good communications between parents and school
- To provide fair and transparent investigative process for the whole school community

This policy should be used for:

- Complaints relating to the schooling of your child
- Complaints about the education and care provided to pupils at the school
- Complaints about the school's operational arrangements

This policy is limited to matters which can reasonably be investigated and therefore complaints should relate to matters which have occurred within the last 12 months.

This policy should not be used for:

- Complaints by staff relating to grievances about their employment
- Complaints about the actions of a governor
- Complaints about the actions of another parent
- Allegations of abuse
- Issues between the school and community groups/PTA

These matters will be dealt with by:

- Complaints by staff relating to grievances about their employment (There is a separate staff grievance procedure)
- Complaints about the actions of a governor (This should be reported to Chairman of the Governing Body in the first instance)
- Complaints about the actions of another parent (This should be reported to the Headteacher who will investigate whether action can be taken by the school)
- Allegations of abuse (Any allegations of abuse should be discussed with the Headteacher or a senior staff member in the first instance. **For a definition of abuse, refer to the school's Child Protection/ Safeguarding policy(s).**)
- Issues between the school and community groups/PTA (These will be resolved informally by discussion)

Purpose

The school's values are concerned with meeting the needs of pupils, parents and other stakeholders. The governing body believes that feedback is an important ingredient in self-evaluation and raising standards. All stakeholders should feel that their concerns or complaints can be voiced and will be considered seriously.

The requirement to have a complaints procedure will not in any way undermine efforts to resolve the concern informally.

Applicability

The policy shall apply to all employees and governors of the school. It is the shared responsibility of the headteacher and the Chairman of the Governing Body to ensure that these groups are made aware of the policy and procedure.

Part 1: General Principles of complaints

Dealing with Complaints – Initial concerns

The school takes informal concerns seriously and aims to resolve them at the earliest stage in order to reduce the numbers that develop into formal complaints.

The underlying principle is that concerns will be handled, if at all possible, without the need for formal procedures. However formal complaints should always follow the complaints procedure.

It is important to be clear about the difference between a concern and a complaint. In most cases the class teacher or the headteacher will receive the first approach and will endeavour 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 issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

At St Mary's Bucknell Primary School the nominated person with responsibility for the operation and management of the school complaints procedure is Anna Cook (Headteacher). In Miss Cook's absence all complaints can be referred straight to Mrs Mclean (KS1 Teacher).

Framework of Principles

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

At each stage, the person investigating the complaint, will endeavour to:

- 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 we will endeavour 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.

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.

Our effective procedure aims to 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

If properly followed, this complaints procedure should 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. The person with responsibility for the application of this complaints procedure will set 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.

Part 2: The Formal Complaints Procedure

The Stages of Complaints

At each stage the *person with responsibility for the application of this complaints procedure* or Headteacher will 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.

In our procedure we have four school-based stages:

- 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 the Chair of Governors
- Stage four: complaint heard by Governing Body's complaints appeal panel;

On occasions, due to the relatively small size of St Mary's Bucknell Primary School, it may be necessary to go straight to stage 2. An unsatisfied complainant can always take a complaint to the next stage.

If the complaint directly concerns the conduct of the Headteacher or a Governor, or where the Headteacher or Governor has been involved in the issue previously, then a complaint can be made directly to the Chair of Governors.

If the complaint concerns the conduct of the Chair of Governors, or where the Chairman of Governors has been involved in the issue previously then a complaint can be directed towards Shropshire Local Education Authority.

Where a complaint involves a Governor and is then investigated by the Chair of Governors, the Chair of Governors will determine if it is most appropriate to try to resolve this at the informal stage or if it requires more formal investigation. Where it is decided that it should be investigated formally, this will be deemed to be at Stage 2 of the Complaints process. If an appeal is then made against the Chair of Governor's investigation outcome, then this would be held in accordance with 'Stage 3 of the standard process as outlined in this policy.

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 this case we advise the complainant to approach the headteacher. Where the complaint concerns the Headteacher, we advise the complainant to approach another senior member of staff.

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. Governors should 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. The headteacher will respond to the issues raised within 15 school working days of receiving the complaint. If it is not possible to meet these timescales, then the headteacher will contact the complainant to discuss reviewing these.

Stage Two: Complaint Heard by Headteacher

The Headteacher'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 Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage Two: 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 write to the Chair of Governors to request that their complaint is considered further. The chair of governors will acknowledge the complaint within five school working days and arrange a panel of governors to be formed to hear the complaint (within agreed timescales of 15 working days).

Stage Four: Complaint Heard by Governing Bodies Complaints Appeal 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' 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.

Part 3: Managing and Recording Complaints

Recording Complaints

A record will be kept of the progress of all formal complaints including the final outcomes. 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 concerned should ensure the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record.

The headteacher will be responsible for the records and hold them centrally.

Governing Body Review

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, the school will attempt to identify any underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB may be used as a useful tool in evaluating the school's performance.

Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. Details of the Complaints Procedures are, where appropriate / relevant, included in:

- the school prospectus;
- the governors' report to parents;
- the information given to new students & their parents when they join the school;
- the home-school agreement;
- home school newsletters;
- information displayed in the reception area of the school & on the school website.

Roles & Responsibilities of Governing Body

The governing body will nominate a number of members with delegated powers to hear complaints, 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 be part of the school's complaints procedure. The panel may consist of three or five of the nominated governors. 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 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.

The Role of the Clerk

All governor panels / meetings considering complaints will be clerked. The clerk will 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. This may be the LA or Diocesan Board.

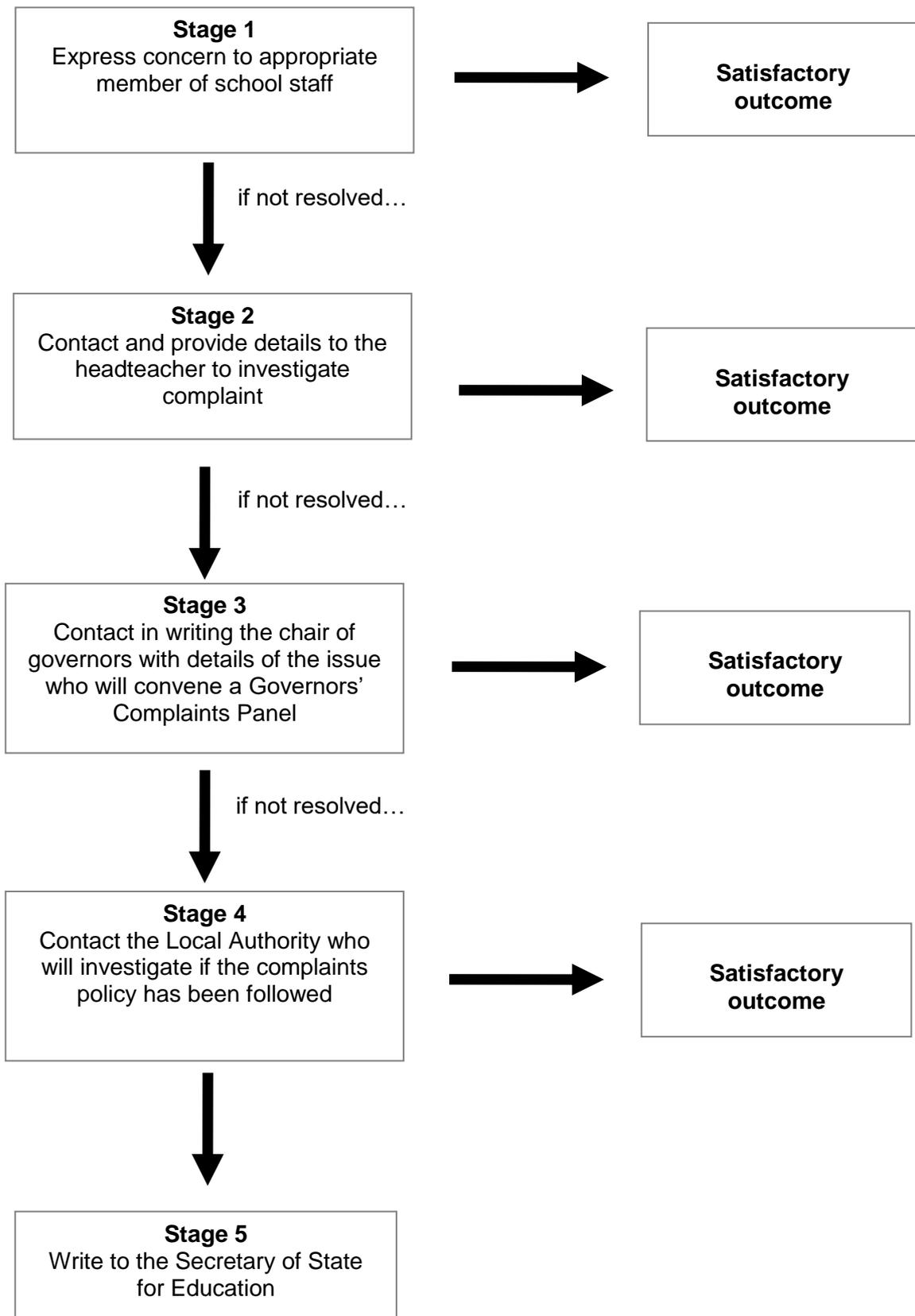
The final stage of appeal is to the Secretary of State for Education.

Checklist for a Governor Panel Hearing

The panel needs to take the following points into account, however if the complaint is about the Headteacher the hearing can be led by the Chair of The Panel Hearing.

- 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 / Chair of the Panel Hearing may question both the complainant and the witnesses after each has spoken.
- The Headteacher / Chair of the Panel Hearing is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher / Chair of the Panel Hearing 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 / Chair of the Panel Hearing 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.

Complaints Procedure Flowchart



St Mary's Bucknell Primary School Complaint Procedure

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

St Mary's Bucknell Primary School Complaint Procedure



Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

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:

Annex A – Section 29 of the Education Act 2002 requires that:

- (1) *The governing body of a maintained school in England 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 by the Secretary of State.*

Section 39 of the Education Act 2002 provides the following definitions:

- *“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 authority and is not a special school.