

Donnington Wood Infant School & Nursery



Complaints Procedure

Approved Feb 2017

Review Spring 2020

In accordance with Section 29 of the Education Act 2002, all local authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. The policy has been written using the Department for Education's 'Best Practice Advice for School Complaints Procedures 2016'.

The difference between a concern and a complaint

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The school will take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within this procedure.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school

An anonymous concern or complaint cannot be investigated under this procedure, unless there are exceptional circumstances although all complaints will be recorded.

Donnington Wood Infant School and Nursery is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening

How are complaints dealt with?

It is hoped that the majority of complaints can be resolved informally by raising them verbally, in person or on the telephone, or by putting them in writing, given or sent to the school, when they can be discussed there and then or at a mutually agreed time and a satisfactory explanation given or resolution speedily implemented.

Complaints that cannot be resolved informally will be dealt as follows:

- an acknowledgement will be sent to the complainant within five school working days.
- the complainant will be told the name and telephone number of the person dealing with the complaint.

- a full response will be sent within twenty school working days, or if a complete answer still cannot be given, the complainant will be told what is being done to investigate the complaint and how long this will take.

How to make a complaint

A parent or member of the public can make a complaint in person, by telephone, or in writing; and should in the first instance voice this to the class teacher. If after this they still feel dissatisfied they should take the complaint to the Headteacher.

The school, if asked, will help anyone who would like assistance to set out their complaint including access to translation services where necessary.

Where to go if not satisfied with the outcome?

(i) Complainants not satisfied with the outcome of their complaint dealt with by the Headteacher should write to: -

The Chair of Governors, C/o Donnington Wood Infant School & Nursery

There is provision within the policy for the complaint to be resolved informally and the Chair of Governors may choose to do this in the first instance before formal referral to the Governor Complaints committee.

(ii) Thereafter, complainants still not satisfied with the outcome and want to take the matter further, beyond the school, the complainant will be told who they can write to next.

What to do if the complaint is about the Headteacher

Complaints about the Headteacher, that the complainant cannot or does not wish to raise directly with the Headteacher, should in the first instance be sent to the Chair of Governors who will arrange for the matter to be dealt with as set out in (i) above.

Recording Complaints

A complaint may be made in person, by telephone, or in writing.

In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record.

Schools should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

Details to be recorded

- name of the complainant
- pupil name (if revealed)
- date and time at which complaint was made
- details of the nature of the complaint

- desired outcome of the complainant
- how the complaint is being investigated (including written records of any interviews held)
- results and conclusions of investigations
- any action taken
- the complainants response
- record of any subsequent action if required

Governing Body Review

Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised.

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. School will consider the request but ultimately, the decision is made by the governors;

Upholding or not upholding complaints

At each stage of the complaints procedure the conclusion will be either:

- that the complaint is upheld (in part or full) and where appropriate some form of action is taken OR
- that the complaint is not upheld and reason(s) for this, where appropriate, are clearly given

In the first instance of receiving a complaint it may be appropriate to resolve the issue by offering to the complainant one or more of the following:

- an apology
- an explanation of events
- an admission that the situation could have been handled differently or better
- 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 findings of the complaint.

The complainant may choose to take no further action or take their complaint to the next stage.

The Stages of the Complaints Process

Stage 1 (informal): complaint heard by staff member

The complainant raises and discusses their concerns/issues with child/young person's class teacher or teaching assistant. Most concerns can be resolved satisfactorily at this stage. However, the staff member may feel it more appropriate to refer the complainant to a more senior or experienced member of staff who will try to resolve the concern informally.

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 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 Headteacher can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complainant will be referred to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher 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 2 (formal): complaint heard by Headteacher/Senior Leader

At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. If the complainant remains unhappy, they should then contact the Headteacher either by arranging an appointment to see them in person, by telephone, or in writing.

The Headteacher or a Senior Leader nominated by the Headteacher, will then investigate the complaint and respond within agreed timescales. An acknowledgement will be made of the complaint within five school working days.

The Headteacher will respond to the issues raised within a maximum of twenty 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. The school will keep the complainant informed throughout the process.

If the concern or complaint is against the Headteacher, in the first instance the complainant will need to write in confidence to the chair of governors at the school. The chair of governors will seek to resolve the issue informally before, if necessary, moving to Stage 3.

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 write to the Chair of Governors to request that their complaint is considered further.

Stage 4 (formal): complaint heard by Governing Bodies Complaints Appeal Panel (see Appendix 2)

The Chair of the Governing Body will advise the Complainant how to do this.

The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it be put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a Governing Body complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions. Individual complaints would not be heard by the whole Governing Body 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 is part of the school's complaints procedure. The panel can be drawn from the nominated members and will consist of three people. The panel may choose their own Chair.

Appendix 1 - Interviewing Best Practice Tips

Children/young people

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO (Local Authority Designated Officer) or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

Staff / Witness

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

Appendix 2

How the Governors' Complaints Panel will run

Although the panel will follow formal procedures, the hearing should be conducted as informally as possible. Extra care will need to be taken if the hearing involves a child or young person being present.

1. Both the complainant and the school are invited to attend the panel and arrive at the same time.
2. The chair of the panel will introduce everyone and set out that the remit of the panel is to investigate the complaint. They will do this by allowing each party the opportunity to put their case without undue interruption.
3. Any witnesses or representatives are only required to attend to give their supporting information and may leave once they have done so.
4. The complainant is given the opportunity to state their case. The panel and the Headteacher have the opportunity to ask any questions.
5. The Headteacher is given the opportunity to state the school's case. The panel and the complainant have the opportunity to ask any questions.
6. The complainant is invited to sum up their complaint.
7. The Headteacher is invited to sum up the school's actions and response to the complaint.
8. The chair lets both parties know how they will be notified of the panel's findings, within agreed timescales. The chair draws the meeting to a close.
9. Both parties leave at the same time and the panel withdraws to make their findings.

The Governors' Complaints Panel: Roles and Responsibilities of those involved in the process

The Chair of Governors

- If the formal stage is required the chair of governors will notify the clerk to the panel to arrange the Governors' Appeal Panel
- If the complaint is about the Headteacher the chair of governors will investigate informally the issue, taking advice from the Governor Support Team where appropriate, and will inform the Head of Advisory Service that a complaint has been made
- The chair of governors will need to ensure that general nature of complaints over the academic year are appropriately monitored by the governing body to inform practice and potential improvements to procedures and policies within the school

The Clerk to the Panel

The panel must be clerked. The clerk organises the complaints panel and must:

1. Send acknowledgement on behalf of the Chair of the Governors' Panel of the written complaint within **five school working days**, outlining the next steps
2. Arrange membership of the panel, in discussion with the chair of governors, which should be three governors who have no prior knowledge of the complaint
3. Set the date, time and venue of the panel, ensuring the dates are convenient to all parties and that the venue and proceedings are accessible. The hearing should be set within **15 school working days after receiving the complaint**. If the timescales cannot be adhered to the chair of the panel should discuss with the school and the complainant the next most appropriate date
4. Write to all parties, detailing the following:
 - Date, time and venue of hearing
 - Aims and objectives of the hearing and how it will be conducted
 - A request for any documentation that either party wishes the panel to consider. This must be with the clerk so that it can be sent to all parties **at least five school working days** before the hearing
 - The rights of equal access, accompaniment and representation for both the complainant and the school, ensuring that everyone is notified as to who will be attending the panel, in advance of the hearing
 - How and when the panel will reach their decision
5. At the hearing, meet and welcome the parties as they arrive ensuring there is appropriate separate waiting space
6. Ensure that both parties arrive at the panel at the same time
7. Record the proceedings and send the typed version to the chair of the panel for checking
8. Notify all parties of the panel's decision within **five school working days**
9. Keep pink paper minutes at the school with the governing body files

The Chair of the Panel

The chair of the panel has a key role and will need to ensure that:

- The hearing is as informal as possible
- After introductions the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The complainant is given the opportunity to state their case - the panel and school then have the opportunity to ask questions and clarify points
- The school is given the opportunity to state their case - the panel and complainant then have the opportunity to ask questions and clarify points
- Any witnesses or representatives are only required to attend to give supporting information
- Both parties have the opportunity to sum up

- The meeting is drawn to a close and both parties leave the panel **at the same time**
- The issues are discussed fully, fairly and are addressed
- The key findings of the facts are made

The chair should also aim that:

- The complainant and Headteacher feel 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 outcomes of the proceedings or any involvement in an earlier stage of the procedure
- All parties see written material. If a new issue arises the chair can give all parties the opportunity to consider and comment on it

Notification of the Panel's Decision

The chair of the panel must ensure that the complainant and the school are notified of the panel's decision. This is usually within a set deadline that is published in the Complaints Policy or mutually agreed.

The panel will either:

- Uphold the complaint
- Reject the complaint
- Uphold the complaint in part

The letter must explain any further rights of appeal and if so, who to contact.

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