



Complaints Policy

**The Governing Body of
Norton Church of England Primary School**

This policy is reviewed annually
Date updated: September 2016
Next review date: September 2018

AMENDMENT HISTORY

| <u>Version</u> | <u>Date Issued</u> | <u>Originator/ Modified by</u> | <u>Reason(s) For Issue/ Re-issue</u> |
|----------------|--------------------|--------------------------------|--------------------------------------|
| 1 | 02/04/06 | Trevor Hawkes | First Issue |
| 2 | 27/06/07 | Tony Crawshaw | Annual review with minor updates |
| 3 | 03/02/10 | Liz Humphris | Review with updates |
| 4 | 12/03/12 | Tony Crawshaw | Responsibility changes |
| 5 | 23/01/14 | Jane Johnson | Contact details updates |
| 6 | 12/09/16 | Jane Farren | Review with contact details updated |

COMPLAINTS POLICY

INTRODUCTION:

This is the school policy for dealing with general complaints. It draws upon DfES and Gloucestershire LA guidance. A full copy of that guidance may be obtained by visiting www.gloucestershire.gov.uk and searching for Complaints Procedure in Schools.

There are multiple categories of complaint which arise in schools for which a specific procedure is already laid down. These procedures involve both the Education Department and the school, and may not be altered. This policy lists complaints within these categories and provides contact details for the appropriate Education Officers.

1. General Parental Complaints

a. Procedure

A sequential Procedure involving three stages is followed. A complaint should be considered as follows:

- By the Class teacher;
- By the Head Teacher;
- By a panel of Governors.

Most parental concerns may be dealt with informally, by the pupil's class teacher. Should that prove unsuccessful, the complaint should be referred to the Head Teacher, or to a member of staff to whom this responsibility is delegated.

A Complaints Form, (appendix 1) for completion by the complainant if informal resolution has proved unsuccessful. Use of this form will both assist the resolution of individual complaints and allow their overall volume to be monitored. However, the school will take care that its use does not place less literate parents at a disadvantage.

b. Governors' Complaints Appeal Panel

The vast majority of parental complaints are resolved by the Head Teacher or other staff. The few exceptions are considered by the Governing Body. The process by which governors will consider complaints needs to be robust and understood on all sides. The attached School Complaints Procedure provides guidance concerning:

- the establishment of a Complaints Appeal Panel
- conduct of an Appeal Panel hearing
- ensuring impartiality
- time-scales for communicating governors' decisions,
- the role of Chair and Clerk.

Governors on the Complaints Appeal Panel will draw up their own procedures, and these will of course depend upon the nature of the complaint being investigated. A non-adversarial approach is used. e.g. If a parent has complained about a teacher, the Panel will interview them separately, rather than together.

The full Governing Body becomes involved with the complaint when it receives a confidential report providing reasons for any recommended action. This report should be in summary form and avoid naming individuals. The full Governing Body also monitors the volume and nature of complaints. This allows any trends to be identified, and governors to assure themselves that the procedure is effective.

c. Unresolved Complaints

If the Governing Body cannot resolve a complaint, it may be referred to the LA (or Diocese, if appropriate). The LA cannot overturn a decision of the Governing Body, and its role is therefore advisory. Education Officers are willing to provide advice to Head Teacher and Governing Body at any stage in the procedure: contact details are given below. The Governing Body will inform the LA as soon as they receive a formal complaint. This allows for consultation and advice, particularly over legal requirements, to be provided. It also ensures that a complainant contacting the LA is clear about how their complaint is being handled.

If a complainant tries to re-open an issue which has been considered at every stage of the procedure, the Chair of Governors may inform him/her in writing that the procedure has been exhausted and that the matter is now closed.

Contacts for advice on general parental complaints:

Department of Education – 0870 000 2288

2. Complaints for which a Specific Procedure is laid down

a. Child Protection

Any complaint involving an allegation of child abuse should immediately be referred to the GSCB (Gloucestershire Safeguarding Children's Board).

In cases where the allegation is against a member of staff, contact the Safeguarding Board – Tel 01452 426565

In cases where the allegation is not against a member of staff, contact the Safeguarding Board – Tel 01452 426565

b. Complaints against failure to assess a child's Special Educational Needs

If the complaint is about the school's responsibilities at school support, the Governing Body should deal with the complaint.

If the complaint concerns statutory assessment, the parent should contact:

Education Entitlement & Inclusion – 01452 427622 / 426960

c. Complaints about non-availability of a school place

If a place at the parents' preferred school is not available and parents are not prepared to accept the place offered at another school, they have the right to appeal to a panel established by the County Council's Head of Legal and Democratic Services.

The parent should contact the Team Leader, School Admissions - Tel. 01452 425407

d. Exclusion of pupils from school

Complaints about exclusion of pupils from school by the Head Teacher which have already been considered by the Governing Body should be referred to:

Education Entitlement & Inclusion – 01452 427622 / 426960

e. Complaints against staff

If it appears that disciplinary action against a member of staff may be necessary, Conduct Procedures detailed in the LA's "School's Personnel Handbook" should be followed. The Head Teacher should seek advice from the LA's Human Resources Department.

f. Confidential complaints by staff ("Whistle Blowing")

The County Council's Code of Conduct and Confidential Reporting Procedure (Whistle Blowing) allows school staff who are concerned about possible malpractice or corruption at work to raise such issues in confidence. Areas covered by the Code include:

- gifts, hospitality, and sponsorship;
- use of school facilities and equipment;
- membership of a secret society.

Please refer to 'Whistle Blowing' Policy for advice (notice in staff room).

g. Complaints about racist incidents

A racist incident is defined as "any incident which is perceived to be racist by the victim or any other person". This definition has been agreed by the Government, the LA and Police Service. Guidance on responding to racist incidents is provided in the 'Race Equality' policy.

Any complaint related to this should be made to:

Education Entitlement & Inclusion – 01452 427622 / 426960

Parents who wish to seek advice before making any type of complaint, or during the process, may contact:

The Advisory Centre for Education (ACE) – Tel: 0300 0115 142 / Website: www.ace-ed.org.uk

Complaints may also be raised with Ofsted, for example regarding the school's ineffective education provision, inadequate achievement for pupils, or poor leadership:

Ofsted Tel – 0300 123 1231

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, all staff are made aware of the procedure by the Head Teacher, so they know what to do when they receive a complaint.

The school will respect 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 Head Teacher can refer the complainant to another staff member. Where the complaint concerns the Head Teacher, the complainant will be directed to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Head Teacher 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 is to refer the complainant to the appropriate person and advise them about the procedure. Governors will 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 Head Teacher

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 Teacher 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 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.

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 panel can be drawn from the nominated members and will normally consist of two or three 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 will be taken 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

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 will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within two weeks of the end of the hearing(s). The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Appendix 1

Complaint Form

Please complete and return to Head Teacher or Chair of Governors who will acknowledge receipt and explain what action will be taken. All information received will be treated with the strictest confidence.

| |
|---|
| 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: