



## **Bow Community Primary School Complaints Policy**

### **Aim of the Policy**

We are very proud of our school, but we do know that no-one gets things right all of the time. Many issues can be resolved informally, without the need to invoke formal procedures. All concerns are taken seriously and every effort will be made to resolve the matter as quickly as possible. We value the good relations we enjoy with parents and the community. These good relations are based on mutual respect and a willingness to listen to other points of view. The purpose of this complaints procedure is:

- to provide a framework for a structured opportunity to resolve formally raised concerns
- to ensure that the procedure is easily accessible

The policy should be simple to understand, impartial, non-adversarial and help to resolve a complaint quickly and within an agreed timescale

### **1. Introduction**

The school will exercise discretion when dealing with anonymous, abusive or malicious complaints.

It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.

This policy is a legal requirement under Section 29 of the Education Act 2002, where every school must publish its complaints procedure.

There are specific procedures for certain other complaints (e.g. SEN statements, accusations of child abuse, admissions, exclusion) which must be followed in those cases - this procedure is intended for those complaints which do not appear to fall into any of the existing categories.

### **2. Stages**

The procedure has three stages, but every effort will be made to resolve issues at the earliest possible stage:

#### **Stage 1:**

Most concerns are easily resolved informally by discussion with staff at school but more difficult or complex concerns may take more than one discussion.

#### **Stage 2:**

If the matter is not resolved through discussions with a member of staff, the complainant may wish to raise the nature of their concern to a higher level. This can be done in person, by telephone or in writing. (Where there are communication difficulties, Bow CP School may use a recording device to ensure the complainant is able to access and review discussions at a later date) If the complaint is directed at the Headteacher, then the complainant should direct their complaint to the Chair of

Governors (or other named governor). The complainant should be asked at this point, what they think might resolve the issue.

### **Stage 3:**

If, after careful attempts, a resolution is not achieved, the complaint will be heard by a panel of three governors. The complaint will be discussed at this point with a governor who will outline the school's full Complaints Procedure.

If you are not satisfied with the outcome of the previous steps, in the first instance you may take your complaint to the local authority (Devon County Council).

If you are still not satisfied with the outcome of the previous steps you may take your complaint to the Secretary of State for Education and Skills. If matters reach that point and you need help putting forward your case the local authority will assist you. The Secretary of State will give direction if the governing body or the County Council have acted unreasonably or have failed to make appropriate provision. If the complaint is against action taken, or not taken, by the County Council, it is also possible for that complaint to be referred to the Local Government Ombudsman.

For complaints concerning the National Curriculum or religious education parents can appeal further to the local authority. Details may be obtained from the school office.

## **3. Procedures:**

### **Stage 1 – Teacher or Headteacher**

Where a concern is brought to the school's attention it can often be resolved with a single conversation. Sometimes an issue is more complex and will take more than one discussion to resolve.

**The experience of the first contact between the complainant and the school can be crucial in determining whether the concern will escalate. To that end, staff are made aware of the procedures so they know what to do when they receive a concern.**

If a complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff then another member of staff will be chosen. Where the complaint concerns the Headteacher, the first contact should refer the complainant to the Chair of Governors.

If an approached member of staff feels too compromised to deal directly with a complaint, they should consider referring the complainant to another member of staff. The other 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 governor should 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 school should be given reasonable time to respond and will contact the complainant with an answer within 5 working days. If further time is required to allow further

investigations to take place, this should be indicated in this communication, with a new time limit being set, in which to respond.

Any resolution at this stage is referred to as a 'school resolution' and this way of dealing with the concern means solving, explaining, clearing up or settling the concern directly with the complainant.

It will not result in conduct or capability action being taken against an individual member of staff and the complaint will be closed after the process is complete.

We hope resolving the concern in this manner can help to improve our relations. Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a formal complaint.

## **Stage 2: Investigation by Headteacher or Chair of Governors**

The complainant will be asked to confirm the complaint in writing\* to the Headteacher (or Chair of Governors, if the complaint is about the Headteacher) and it will be acknowledged in writing\*. The Headteacher (or Chair) will copy relevant papers to any member/s of staff named in the complaint. It may be useful for mediation to occur at this point, which could involve a governor. Any concerns should be raised as soon as possible after the event. 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 school should be given reasonable time to respond and will contact the complainant with an answer within 10 working days.

*\*To ensure compliance with the Equality Act 2010, complaints may be received in person, by telephone or in writing. Notes of meetings and telephone calls will be taken, in order to prevent any later challenge or disagreement over what was said. Where there are communication difficulties, school will use a recording device to ensure the complainant is able to access and review the discussions at a later point.*

**Mediation** – sometimes during the handling of a complaint, communication between parents/complainants and the school can become difficult. Mediation can be a very useful way of helping people to resolve their differences and find an agreed way forward. Both parties need to agree to mediation. The school or complainant may suggest mediation, if communication becomes a problem. Mediation can be sought at any point during the processes of resolution and investigation. The process is informal, impartial and voluntary and aims to resolve conflicts to the benefit of all parties. It does not apportion blame and concentrates on developing a better understanding of each other's point of view and works to secure future relationships. For more information please contact: [roger.morris@devon.gov.uk](mailto:roger.morris@devon.gov.uk) or 07966474364.

For issues relating to Special Educational Needs and Disability (SEND) specialist mediation is a requirement of the SEND Code of Practice. Please contact The Devon Information Advice and Support Service: [devonias@devon.gov.uk](mailto:devonias@devon.gov.uk)

## **Stage 3: Complaint to the Governing Body**

**This can only be made, if the complainant has:**

- sought to resolve the concern through approaches to the school as described in Stages 1 and 2
- allowed reasonable time (normally no more than four school weeks) for investigation of the concern
- accepted any reasonable offer made by the school to discuss the result of the investigation

- taken part in any process of mediation offered by the school
- made the complaint in person, via the telephone or in writing within twelve weeks of the event (although in exceptional circumstances this time frame may be extended)

Our governing body has set up a panel to deal with complaints (Appeals and Complaints Committee) whose responsibility it is, to hear and make decisions on formal complaints, which have not been resolved at the earlier stages. The complainant needs to write\* to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Body Appeals and Complaints Committee within 21 days of receipt of your letter.

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 will not be heard by the entire 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.

#### **4. The Remit of The Appeals and Complaints Committee**

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 that 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 will 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.

## **5. Roles and Responsibilities**

### **The Role of the Chair of the Governing Body:**

- check that the correct procedure has been followed
- if a hearing is appropriate, notify the clerk to arrange the panel

### **The Role of the Clerk**

The clerk is the contact point for the complainant and is 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 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

## **6. 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 within 10 days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## **7. Further Actions:**

If the complainant wishes to pursue the matter further, the local education authority (Devon County Council) will only consider the case if the complaint is deemed relevant. The County Council will advise on this procedure.

Following the appeal panel meeting and the completion of the complaints procedure, if you are still unhappy with the way the school has managed your complaint, you can submit a complaint to the Department for Education online at [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school) Or write to: School Complaints Unit, Department of Education, 2nd Floor, Piccadilly Gate, Manchester, M1 2WD.

Please remember the school is committed to resolving your concerns wherever possible and that where this is proving complex, mediation is a useful method of resolving matters.

## 8. Checklist for a Panel Hearing

The panel needs to take into consideration the following points:

- 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 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.