

## Finstall First School

### Policy and Procedure for responding to non-curricular complaints

The Governing Body adopted this Policy at a meeting held on 8<sup>th</sup> October 2018. It will be reviewed in October 2019.

The School publishes details of its Complaints Procedure and any out-of time limits the Governors have prescribed in the following ways:

- the School Website

There are other specific complaints procedures available for certain specialist areas (as listed below). If the complaint relates to any of the following, the appropriate procedure should be followed:

complaints about    the National Curriculum  
                              collective worship  
                              religious education  
                              pupil admissions  
                              pupil exclusion  
                              special educational needs  
                              safeguarding / child protection  
                              employee grievances and disciplinary proceedings.

#### **A) General Principles.**

This procedure contains advice for resolving complaints; flowcharts to indicate time limits; and advice on the conduct of meetings.

Every attempt will be made to adhere to the time limits specified in the flow charts and detailed procedures which follow but these may, in exceptional circumstances, be exceeded. In such cases the School/ Governors will advise the reasons and set a new time-scale.

A complaint will usually be considered as 'out-of-time' if it is raised more than 3 months after the matter is known to the complainant.

Anonymous complaints will not be investigated, except in exceptional circumstances – such as child protection issues.

**The aim of this policy is to resolve concerns at the earliest opportunity, and effect reconciliation if there has been friction.** If the complaint needs to be formalised, the complainant will be asked to write down the substance of the complaint on a form, an example of which is found in Annex C. This form will also invite a view about what actions might be felt to resolve the problem.

**B) Possible resolutions.** Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an

appropriate resolution, as would assurances that events complained about, (if justified) will not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint.

**C) Later Stages.** Where concerns are not resolved on an early timescale, the procedure allows for formal consideration by the Headteacher, and later still, by a Governors' Complaints Panel.

**D) Unresolved Complaints.** Occasionally, a complainant may remain dissatisfied, even though this procedure has been used through all its stages. However, it will not normally be possible to re-open the same issue. In such circumstances, the Chair of Governors will inform the complainant that the procedures have been exhausted and that the matter is closed.

### **E) Recording Complaints**

This school will monitor and record parents/carers compliments, concerns and complaints. This will endorse and ensure the continuation of our good practice. Progress of the complaint and the final outcome will always be recorded and, following conversations / meetings, staff will clarify with the complainant that they both have the same understanding of what was discussed and agreed.

### **F) Governing Body Review**

The Governing Body will 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. Such information, shared with the whole Governing Body, will not name individuals. The monitoring and review of complaints by the school is seen as a useful tool in evaluating the school's performance.

### **G) School Complaints Stages in Detail**

It is acknowledged that, where concerns are raised, they are more often than not raised with a more senior person, for example, a Key Stage Co-ordinator or Deputy Head, or the Headteacher in a small school, rather than a more junior teacher. The first stage therefore could, if appropriate, be dealt with informally by one of a number of possible people.

#### **Stage 1 (Informal) 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 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 complaints co-ordinator can refer the complainant to another staff member.

However, complainants, at this stage, should not expect to be able to fast track their complaint directly to the Head Teacher (Stage 2). Their child's class teacher should be their first point of contact in the hope that the complaint can be dealt with informally. It is also more likely that the class teacher will know more about the child and about the circumstances that led to the complaint.

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 any member of staff becomes aware of a voiced concern, they should deal with it themselves if it is appropriate, and they feel comfortable in doing so. Many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most concerns can be readily resolved at this informal stage. Where the person approached feels uncomfortable with dealing with the matter directly, they should involve, for example, their line manager.

In the case of serious concerns (or where the school deems it more appropriate to do so) it may be necessary for a member of staff to refer these matters directly to the Headteacher.

Where the complaint is specifically about the Headteacher, similarly the parent/carer should discuss this with him/her at this stage first although the complaints co-ordinator can refer the complainant to the Chair of Governors.

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.

The concern will be noted (including the outcome) and copied to the Headteacher (or appropriate person in charge of records in larger establishments). Where the subject of the complaint is the Headteacher, he/she will copy the record to the Chair of Governors.

Where informal attempts by the school have failed to bring about a satisfactory resolution for the parent/carer, the parent/carer is entitled to request that the complaint be treated more formally. Unless the complaint directly concerns the Headteacher, it will be him/her who deals with this next stage (Stage Two).

If the complaint is specifically about the Headteacher, and s/he has had the opportunity in Stage one to discuss the matter, the parent/carer can then directly contact the Chair of Governors about Stage 2.

## **Stage 2 (Formal) Dealt with by Headteacher**

[If the complaint concerns the Headteacher, the Chair of Governors is personally responsible for following the procedures in Stage 2. Otherwise, the Headteacher deals with this Stage].

This stage can be initiated if / when dissatisfaction with the outcome of stage one is received by the school. At this point, a copy of these Procedures and Policy will be sent to the complainant within 3 school days, together with the formal complaint form (Annex C).

The form is structured so that each party has a common understanding about the complaint. As the main purpose of the process is to achieve reconciliation, parents/carers are also asked what actions might resolve the problem.

After the formal complaint form is returned, it will be acknowledged within 3 school days and the investigation will commence.

This is the first stage of the formal complaints process and as a result, all communications between parties will be recorded.

Before proceeding with a formal investigation, the Headteacher may wish to meet with the individual and discuss his/her concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure. In the latter case, the Headteacher will advise the complainant on what will need to be done.

The head may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. The investigation should involve the review of any relevant documentation and information. If necessary, witnesses will need to be interviewed and statements taken from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

The outcome of the investigation should be communicated to parents/carers, either at a meeting (followed up in writing) or as a written response. This response should explain the outcome and should be supported by reasons for reaching this decision and what action, if any, will be taken. (If management action is subsequently required against an employee of the school, the parents/carers will not have access to this information). **This response should be provided within 10 school days of acknowledging the complaint.**

If the complainant is still dissatisfied with the response given and would like to take the complaint further, they should make this clear in writing to the Chair of Governors, giving details of the complaint. The Head Teacher will be asked to pass on the complaint form and all associated information to the Chair of Governors.

### **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) Dealt with by Governors' Appeal Panel**

The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is 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 GB 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 will 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.

On receipt of the information from the Headteacher, the Chair of Governors will verify that the parent/carer has properly exhausted all stage 2 procedures. If not satisfied, the Chair will refer the matter back to the Headteacher. When satisfied, the Chair will contact the Clerk and liaise with him or her to make preparatory arrangements for a meeting of the Governing Body's Complaints Appeal Panel.

The Clerk may be the Clerk to the Governing Body, or, in exceptional circumstances, another Governor acting as Clerk, (over and above those selected for the Panel).

The Chair of Governors will identify three governors chosen from an agreed pool of governors to form the Complaints Panel, and the Panel will appoint its own chair.

The Chair of Governors or Clerk to the Governors' Complaints Panel will acknowledge (to the complainant) receipt of the information from the Headteacher within 5 school days.

This letter will inform the parent/carer that the complaint will be heard by the Complaints Panel within 15 school days. In exceptional circumstances, the parent/carer will be notified where this timed period will need to be extended and the reasons for this.

The Clerk of the Panel will convene a meeting of the Complaints Panel, (as identified by the Chair of Governors), and arrange a time and date for the meeting. All relevant documentation from the Headteacher and the parent/carer will be distributed to all parties, (including the Panel members) in advance of the meeting.

The Panel has discretion as to how it will carry out its duties, some of which are itemised in Annex B. As part of this, parents /carers will be asked to attend a meeting of the Panel (with accompanying relative or friend if desired).

The Chair of the Panel needs to ensure that the parent/carer is notified of the Panel's decision in writing **within 5 school days** of the meeting. The response will include action (if any) that needs to be taken and where appropriate, suggest changes to, or review of, the school's systems or procedures to ensure that similar problems do not happen again.

If the parent/carer is dissatisfied with the response they have been given, and would like to take the complaint further, they should be referred to stage four of this procedure.

Equally, if the Headteacher perceives due process has not been followed, s/he may wish to refer the matter to Stage 5 for adjudication.

### **Stage 5 (Formal)**

The final stage of appeal is to the Secretary of State for Education. Complainants should be advised to write to The School Complaints Unit (SCU) at:  
Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WD

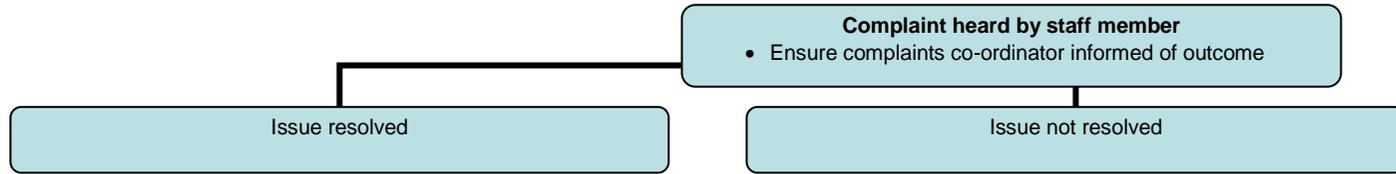
If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

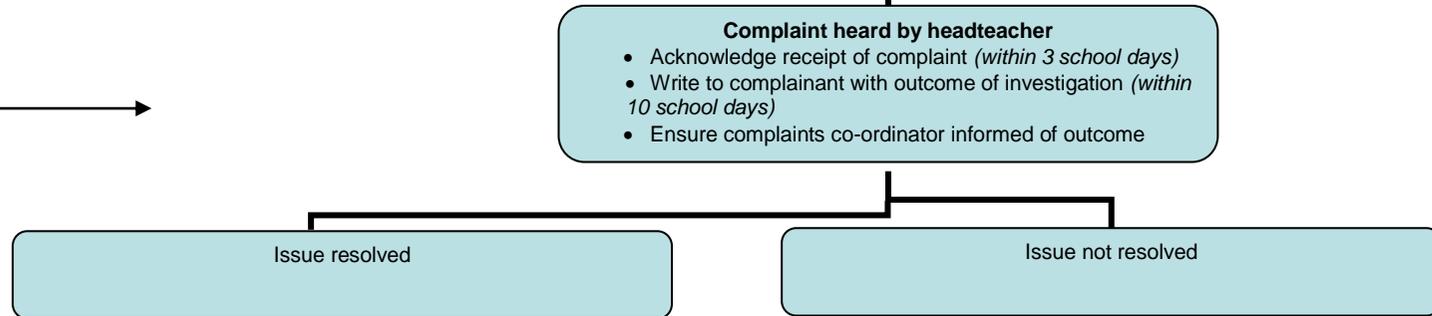
# Summary of Dealing with Complaints

## Annex A – Flowchart

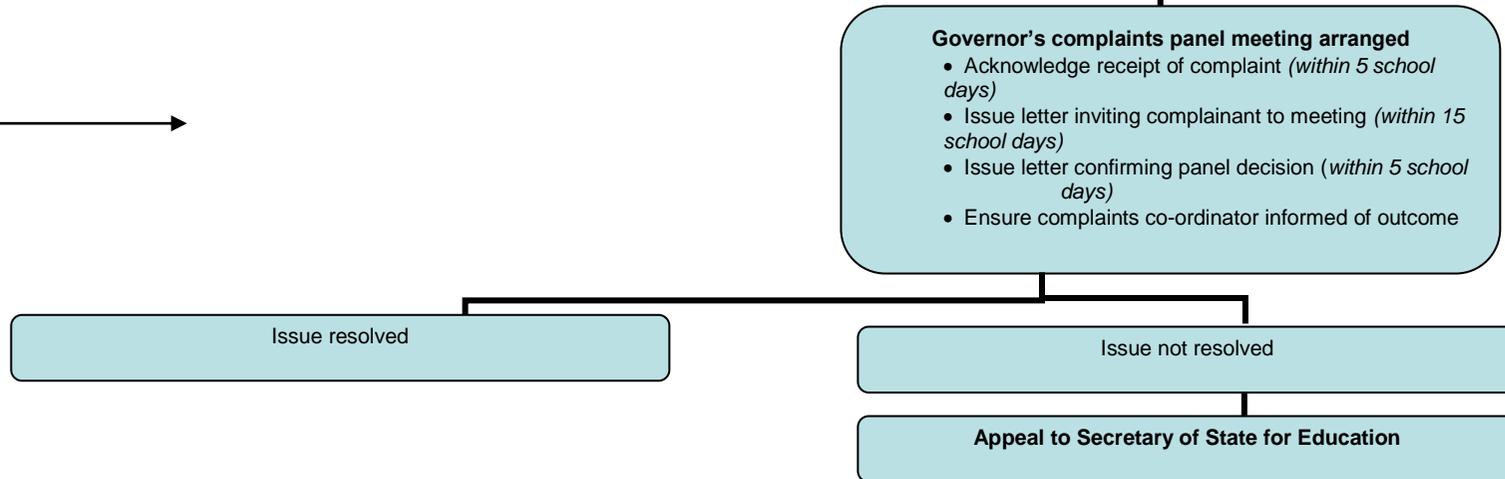
Stage 1 (informal) →



Stage 2 (formal) →



Stage 3 (formal) →



## **Annex B**

### **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 appropriate action to be taken to resolve the complaint (See possible resolutions below)
- 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**

Any panel or group of governors considering complaints must 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.

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

### **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 requested and is deemed 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.

The Panel should consider: -

- The evidence (written and oral) from the school representatives and the parent/carer.
- The relevant school policies and procedures (e.g. anti-bullying, race equality, dress code, and discipline).
- The extent to which the school's action is consistent with the appropriate school policy (i.e. have the school managed the issue in the manner defined in their documentation?).
- Areas of agreement identified between the parties.
- Misunderstandings identified, which can be remedied.

## **THE HEARING**

Reports and statements submitted to the Panel should be made available to all parties in advance of the hearing.

The Chair of the Panel must determine in advance the most appropriate method of conducting the hearing into the complaint so that the Panel may achieve 'best evidence'. The decision will be influenced by the contents of the Complaints Form and other information to hand. Some possibilities are listed below, but they are not exhaustive:

### **Option One**

To consider the written statements, reports and evidence provided in advance, and to question the originators about their substance.

This approach is likely to be least effective, as it might result in a time-consuming search for additional information and cross-referencing.

### **Option Two**

Interviewing separately the complainant and the school representative, and other parties deemed relevant by the Chair, in order to hear statements and collect additional directly related evidence.

### **Option Three**

With the agreement of all parties, to hold a hearing with both sides present and available to respond to questions put by the Panel, and through the Chair. Such a meeting should be non-adversarial.

### **Option Four**

With the agreement of all parties, to hold a meeting with both sides present, to follow an Agenda on the lines of the following Model: Witnesses are only required to attend for the part of the hearing in which they give their evidence.

## Model Agenda

- 1) Complainant explains reasons for making the complaint, and calls witnesses if desired.
- 2) Headteacher may ask questions of the complainant and the witnesses after each has spoken
- 3) Headteacher invited to explain the school's actions and call witnesses if desired
- 4) Complainant and Panel members may ask questions of the school and the witnesses after each has spoken
- 5) The panel may ask questions at any point
- 6) Complainant is invited to sum up the complaint
- 7) Headteacher is invited to sum up the school's actions and response to the complaint
- 8) The chair explains that both parties will hear from the panel within a set time scale
- 9) The parties leave together, and the Panel considers its decision

It is essential to recognise at all times, that the procedure for any of the above options deals only with establishing the validity of a parental complaint and does not constitute a hearing connected with any disciplinary process.

The complainant is welcome to bring an accompanying relative or friend if desired, and witnesses if appropriate.

The school representative will be the person who dealt with Stage Two [The Headteacher usually, but the Chair of Governors if the complaint is related to the Headteacher] S/he may bring a friend if desired.

If other members of staff or other witnesses are needed because of their perceived involvement in the substance of the complaint, each, too, may be accompanied by a friend.

The Clerk to the Governors' Panel will be responsible for inviting participants into the room at the relevant times, and make introductions as necessary.

The Clerk to the Governors' Panel should keep an accurate record of the discussion at the meeting. The Governors may need to refer to this to assist them in their consideration of the case. It may be helpful to the parent/carer for them to be informed if these notes will be made available to them. If, as a result of the complaint being upheld there is any disciplinary action towards a member of staff, the parent/carer is not permitted any knowledge of this. Therefore, if any notes are made available to complainants, any such references should be removed before being sent.

The Chair should explain the Panel's Remit and that the purpose of the hearing is to review the complaint and try to resolve the issues to enable reconciliation between the parent/carer and the school. It may only be possible to establish the facts and recommend future actions.

The Chair should reassure all parties that they will have every opportunity to state their case.

The Chair should explain the procedure decided upon for the hearing. It may be helpful to have printed copies of this available to all parties.

### **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 within 5 school days. The letter will explain:

- If there are any further rights of appeal and, if so, to whom they need to be addressed
- The appropriate action to be taken by the school, if necessary.
- If any recommendations to review / revise school policies and procedures are made, this should identify a reasonable timescale and a nominated person who will be responsible for this to be achieved. Progress should be monitored by the Governing Body

Reminder: If as a result of the complaint being upheld, there is disciplinary action contemplated towards a member of staff, the complainant is not permitted any knowledge of this.

The final stage of appeal is to the Secretary of State for Education. Complainants should be advised to write to The School Complaints Unit (SCU) at:

Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WD

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools. If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

## ANNEX C

**Complaint Form** to be supplied with a copy of the adopted procedure

Please complete and return to the Headteacher who will acknowledge receipt

The Procedure, at Stage 2, explains what action will be taken after receipt.

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.  
(Whom did you speak to, when, and what was the response)?

The form continues overleaf.....

What actions do you feel might resolve the problem?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom?:

Complaint referred to:

Date:

## **Annex D - 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.