



Parent Complaints Policy and Procedure

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Updated:	December 2017
Review Date:	December 2019
Approved @ Governors:	January 2018
Chair of Governors Signature	

Statement of intent

Annie Lennard Primary School prides itself on the quality of teaching provided for its pupils. However, if parents have concerns they can expect any issues to be treated seriously by the school in accordance with this policy document.

The Complaints Policy and Procedure has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services.

A complaint can be brought by a parent/carer/guardian of a registered child at the school or any person who has been provided with a service/facility at the school. This person is referred to as the complainant.

A concern becomes a complaint only when the complainant asserts that the school has acted wrongly in some significant decision, action, or failure to take action.

Even when a complaint has been made, it can be resolved or withdrawn at any stage.

1. Aims

In line with the Education Act 2002, Annie Lennard Primary School will:

Encourage the resolution of problems by informal means wherever possible.

Allow swift handling with established time-limits for action and keep people informed of any 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.

Principles of the Procedure Compliments

It is important for parents/carers and other individuals to let us know when we have got it right so we can celebrate our successes.

It is essential that all compliments are recorded by the Head Teacher and shared with the member of staff within five school working days.

Complaints

The implementation of the complaints procedure in the school is the responsibility of the Head Teacher, including making decisions about their own involvement at various stages.

Dealing with concerns informally

Informal Procedures

General day-to-day concerns should be raised initially with the class/subject teacher where applicable.

The school recognises that a vast majority of complaints and concerns can be resolved informally.

The complainant must feel able to raise concerns and complaints with members of staff, in person, either by telephone, or in writing. A preliminary discussion may be undertaken to help clarify if he or she is making a complaint or expressing an opinion, and whether they wish to take it further.

The complainant should be able to bring a friend to any discussion if they wish.

The member of staff dealing with the concern should make sure that the complainant understands what action (if any) or monitoring of the situation has been agreed.

The process should be completed quickly and concluded in writing with appropriate detail. Where no satisfactory solution has been found, the complainant should be informed that he or she will need to consider whether to make a formal complaint in writing to the head teacher.

To assist in this process, the written complaint should include an account of your concerns and the actions you feel should be taken in order to resolve the situation.

The following is taken from Sandwell's Compliments and Complaints Policy

Stage 1 - Formal Complaints

- All formal complaints need to be logged by the school and a record of action taken noted.
- All complaints should be acknowledged within five school working days. Every attempt should be made to respond to complainants, in a format that the complainant has requested, within twenty school working days.
- The Head Teacher will formally investigate the complaint. They will talk to everyone involved and confirm the outcome of their enquiries with the complainant.
- If the complaint is about the Head Teacher or a Governor the Governing Body will investigate and confirm the outcome rather than the Head Teacher.
- If the complainant is not satisfied they may appeal to the Governing Body within ten school working days. When the Chair of Governors receives the complaint, they may wish to investigate and respond initially. If they feel that the nature of the complaint warrants it or if the complainant requests it following the Chair's response, the complaint should progress to stage two.

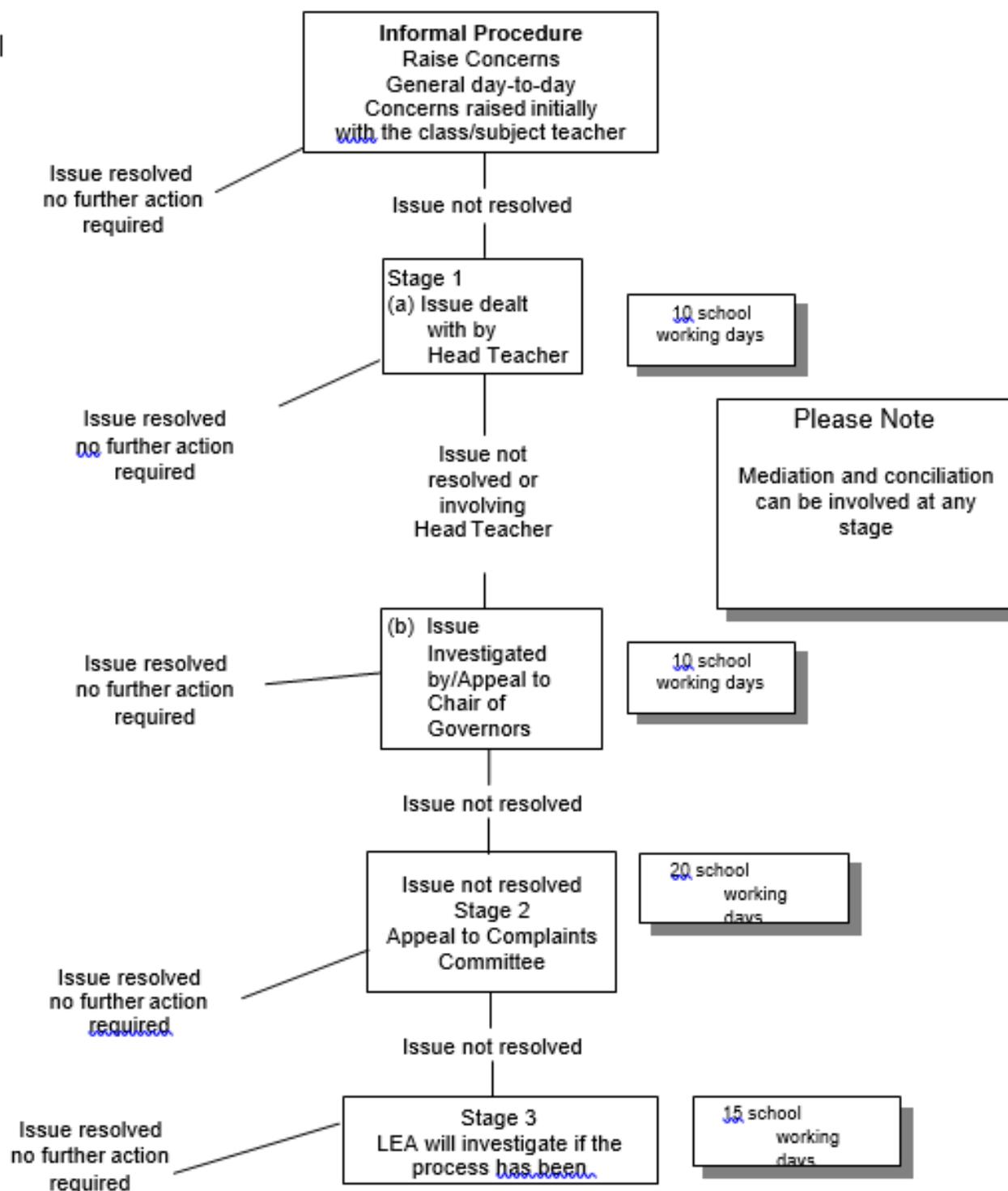
Stage 2 - Appeal to the Governing Body

- If the complainant is dissatisfied with the Head Teacher's or Governors' response three Governors, not previously involved, will hear the complaint. The Governors will report their findings to you and the Head Teacher at a meeting of the Complaints Committee.
- Appeal requests should be acknowledged within 5 school working days and a meeting of the Complaints Committee should be held within twenty working days.
- The meeting should be minuted and a formal record of the recommendations retained.
- If the complaint is about the action of the Head Teacher or a Governor, other Governors will investigate the original complaint.

Stage 3 - Referral to the LEA

- If the complainant remains dissatisfied with the way the Governing Body has carried out their investigation at Stage 2 of this procedure, the LEA can be asked to review the process.
- When a complainant refers a complaint to the LEA an acknowledgement should be sent within 5 working days.
- An LEA officer will investigate how the School/Governing Body have dealt with the complaint and prepare a report which will be shared with the complainant and Governing Body. The LEA cannot investigate the original complaint only the process that has been followed to ensure that it has been thorough and fair. The outcome of this should be reported to the complainant/Governing Body within 15 working days.
- Alternatively, the LEA will advise you of your rights of redress to the Diocesan Authority, where appropriate.

School Complaints Procedure



The Stages of Dealing with Concerns and Complaints

The vast majority of concerns/enquiries can be resolved informally. There are many occasions where concerns are resolved immediately by the Class/Subject Teacher, or the complainant may wish to make an appointment to see the Head Teacher to discuss their concerns about, eg child has paint on clothing, child has not read for a week. Parents, pupils or residents must feel able to raise concerns with the school without any formality, either in person, by telephone or in writing. An individual may want a discussion about an issue to help decide whether he or she wishes to make a formal complaint. If they feel that their concern has not been resolved satisfactorily at this stage the matter may be addressed through the formal complaints procedure.

Complainants will be advised, where appropriate, to exhaust informal procedures before considering a formal complaint.

Monitoring and recording complaints

At all stages of the complaints procedure, the following information should be recorded:

Name of the complainant.

Date and time at which the 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.

Further responses from the complainant.

Any subsequent action if required.

Special circumstances

If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care and/or to the social services authority for the area in which the child lives.

If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the headteacher or governing body.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

1. Stage 1 - Formal Complaint

1.1 Introduction

1.1.1 It will be helpful for the Head Teacher (or member of staff designated to investigate) to use these guidelines to ensure a consistent approach to formal complaint handling in all schools.

1.1.2 The implementation of a complaints procedure in each school is the responsibility of the Head Teacher, including making decisions about their own involvement at the various stages. One of the reasons for having various 'stages' in a complaints procedure is to reassure complainants that more than one person can listen to their complaint if they remain unhappy with the schools initial response. Head Teachers have the opportunity of involving other staff to collect information as part of the complaints investigation. Those decisions will need to be made taking into consideration the severity of the complaint.

1.2 Procedures

- 1.2.1 Complaints should ideally be in a written format. However, oral complaints face to face, e-mail, telephone or faxes will also be accepted, however, the person who receives oral details needs to ensure that there is a written record available for the investigating officer. The Head Teacher (or designated member of staff) will acknowledge the complaint in writing within five school working days of receiving the complaint. *(See Appendix A for standard acknowledgment letters).*
- 1.2.2 Schools should be sensitive to the needs of complainants who may have literacy difficulties or for whom English is not their first language. (See notes on interpreters and the hearing impaired Page 19).
- 1.2.3 The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This will normally be within 10 school working days; if this is unachievable for reasons such as staff sickness etc. a letter will be sent to the complainant explaining the reason for the delay and giving a revised timescale for completion.
- 1.2.4 It may be possible, even at this stage, to reach an agreed solution to the problem. The Mediation and Conciliation Service may be able to suggest a mediation format to discuss the complaint in private without invoking formal procedures. The aim here is to progress the matter for the good of the child, the complainant and the school. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved. The use of Mediation and Conciliation would be seen as an attempt to resolve the complaint informally and should not compromise the complainant's right to move to more formal procedures at any time.
- 1.2.5 It is essential that there is a formal record of the actions taken to investigate a complaint or to find an alternative remedy, eg mediation and conciliation. These records will need to be available for perusal by the School Governors Committee should the complaint be pursued at the next stage or with the LEA or DfES.
- 1.2.6 The Head Teacher will provide an opportunity for the complainant to meet him or her to discuss the complaint in more detail. It will be made clear to the complainant that if they wish, they may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf. Interpreting facilities should be provided as required. Equally, if staff are to be interviewed, they should be notified by the person investigating the complaint of their right to be advised or accompanied by their union representative.
- 1.2.7 Where appropriate, the Head Teacher will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed and in all circumstances a parent, carer or an approved adult must also be in attendance. The Head Teacher will keep written records of meetings, telephone conversations and other contacts.
- 1.2.8 Once all the relevant facts have been established, the Head Teacher will then produce a written response to the complainant and/or may wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the findings of the investigation and of any action taken to prevent a similar complaint from occurring again. Alternatively, the Head teacher may wish to telephone the complainant to explain their findings, if this is a more appropriate channel of communication.

- 1.2.9 Should the complainant remain unhappy following the response from the Head Teacher, they should be advised that they should appeal to the Chair of Governors, preferably in writing advising why they remain dissatisfied. At this stage the Chair may wish to investigate and respond or progress straight to stage two should the nature of the complaint suggest this is the best course of action.
- 1.2.10 The complainant will be advised in the response that should they wish to take the complaint further, they should notify the Clerk of the Governing Body within 10 school working days of receiving the response letter.

PLEASE NOTE

If the complaint involves the actions of the Head Teacher, arrangements should be made for the initial investigation to be conducted by the Governing body. The LEA would normally advise that two members of the Governing Body complete the investigation.

2. Stage 2 - Appeal to the Governing Body

2.1 Introduction

Complaints rarely reach this formal level but it is important that Governing Bodies are prepared to deal with them when necessary. It is important that the appeal process is independent and impartial. As such, the appeal should be dealt with by Governors who have had no prior knowledge or involvement in the case.

- 2.1.1 As this may be the last chance for a solution or compromise to be reached, every effort should be made to mediate and conciliate. Governors may particularly wish to seek advice from the Customer Relations Team at this stage if they have not previously made contact.

Individual complaints should not be considered by the full Governing Body but by an elected Governors Complaints Committee, comprising of 3 or 5 Governors not previously involved with the complaint.

- 2.1.2 Complaint appeals should normally be in a written format. In exceptional cases the school will consider progressing an oral complaint appeal where there are sufficient grounds to do so. In such instances full details documenting why the complainant remains dissatisfied should be recorded and passed to the Clerk of Governors.

- 2.1.3 People inevitably see many complaints as being 'against' a particular member of staff and/or their actions. However, all complaints, which reach this stage, will have done so because the complainant has not been satisfied by the Head Teacher's or Governors response at the earlier stage. It is appropriate therefore for the Governors Complaints Committee to consider that the complaint is against the 'school' rather than against an individual member of staff.

- 2.1.4 Should the Complaints Committee need to interview a pupil it is essential that a parent, carer or approved adult be in attendance. Two governors should interview the child and a full written record of the interview should be retained.

2.2 Procedures

2.2.1 Upon receipt of a written request from a complainant to proceed to Stage 2, the procedures outlined below will be followed:

- The Clerk of the Governing Body will write to the complainant to acknowledge receipt of the written request within five school working days. (*See Appendix A – Standard Acknowledgement Letter*);
- The acknowledgement will inform the complainant that the Governors Complaints Committee, as appropriate, will investigate the complaint within twenty school working days of receiving the request;
- The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint and to attend the Complaints Committee meeting in person if they so choose;
- All documents must be received at least five school working days before the Committee meets and shared in advance with the three panel members;
- The Chair of Governors will convene a Committee elected from the members of the Governing Body. The Committee members will be Governors who have had no prior involvement with the complaint. Generally, it is not appropriate for the Head Teacher to have a place on the Committee. Governors will want to bear in mind the advantages of having a parent/carer (who is also a Governor) on the Governors Complaints Committee. Governors will also need to be sensitive to issues of race, gender, disability and religious affiliation. The make-up of the Committee should, where possible, reflect the three categories of LEA, parent/carer and Community Governors.

2.2.2 The Committee Chair will ensure that the Committee hears the complaint within 20 school working days of receiving the request. All relevant correspondence regarding the complaint will be given to each Governors Complaints Committee member as soon as the composition of the Committee is confirmed and at least five school working days before the hearing.

2.2.3 The Clerk will write and inform the Head Teacher and the complainant of the expected date of the hearing. This should be done at least five working days in advance.

2.2.4 The notification sent to the complainant should inform him/her of their right to be accompanied to the meeting by a friend, relative or advocate. This cannot be a solicitor acting in a legal capacity. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Committee, at least five school working days in advance of the meeting. The Head Teacher will be invited to attend the Governors Complaints Committee meeting to answer questions in relation to the investigation undertaken by the school.

2.2.5 The Head Teacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or at the discretion of the Chair to attend the meeting. All concerned, including the complainant, will receive any relevant documents including the Head Teacher's report, at least five school working days prior to the meeting.

2.2.6 It is the responsibility of the chair of the Committee to ensure that the meeting is properly minuted and a formal record of the recommendations retained.

2.2.7 The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has at least been taken seriously.

2.2.8 The Committee should remember that many complainants are not used to dealing with groups of people in formal situations and may feel inhibited when speaking to the Committee. It is, therefore, recommended the Chair of the Committee ensures that the proceedings are as informal as the situation allows.

2.2.9 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

2.2.10 At stage 2, the meeting should allow for:

- The complainant to explain their complaint(s);
- The Head Teacher to explain the school's response;
- The Governors Complaint Committee members to have an opportunity to question both the complainant and the Head Teacher;
- Any party to have the right to call witnesses (subject to the approval of the Chair) and the Committee having the right to question all the witnesses;
- Both the complainant and Head Teacher to have the right of representation/advocacy if they so wish;
- Final statements by both the complainant and the Head Teacher.

2.2.11 The Chair of the Committee will explain to the complainant and the Head Teacher that the Committee will consider its decision and a written response will be sent to both parties within five school working days. The complainant, Head Teacher, other members of staff and witnesses will then leave.

2.2.12 The Committee will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or majority decision on the complaint;
- Decide upon the appropriate action to be taken to resolve the complaint;
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

2.2.13 Recommendations will be reported to the Governing Body at an appropriate time.

2.2.14 A written statement outlining the decision of the Committee must be sent to the complainant and Head Teacher. If any action is to be taken against a member of staff to protect the rights of the staff concerned, only the phrase 'Appropriate action has been taken' should be used.

2.2.15 The Governors will ensure that a copy of all correspondence and notes are kept on file in the Governor's records. Where pupils are involved these records should be kept separately from the pupil's personal records.

2.2.16 The LEA will receive a completed monitoring sheet at the end of six months documenting the number of complaints investigated at both Stage 1 and 2 and the outcome from each school. *(See Appendix C – Monitoring Form).*

2.2.17 If the complaint is against a Governor, governors not previously involved will investigate the complaint.

3. Stage 3 - Referral to the LEA

3.1 The LEA

3.1.1 If the complainant remains dissatisfied with the way in which the Governing Body has carried out their investigation at Stage 2 of this procedure, they should be advised of further steps they can take. The Chair of Governors should provide them with the contact details for the Customer Relations Team (0121-569 8346).

3.1.2 The Customer Relations Team is also available to offer advice to Head Teachers or Governors on the Compliments and Complaints Procedure. The Customer Relations Team will refer the complainant's concerns to an LEA Officer who will investigate and satisfy him or herself that the school/Governing Body has carried out the correct procedures and that the action taken to remedy the complaint is appropriate and fair. Ultimately the LEA officer needs to ensure that natural justice has prevailed.

3.1.3 A full report of the findings will be made available to the school, Governing Body and the complainant.

3.1.4 This stage should be completed within 15 working days.

4. Referral to the Secretary of State

Complaints can be taken to the Secretary of State for Education and Schools under Section 496 of the Education Act 1996, on the grounds that a Governing Body or LEA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LEA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LEA for more information in order to consider the complaint.

Staff Support

A complaint about a member of staff can be a major source of anxiety it is therefore important that members of staff involved in a complaint are kept informed about the progress (see page 8). **Please note that if the complaint relates to a Child Protection issue different procedures apply. In these cases, no information should be given to the member of staff without the agreement of Social Services and the Police.**

3. Roles and responsibilities

The Chair of Governors 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.

In making the decision the Chair must bear the following points in mind:

It is important that any appeal hearing is independent and impartial and that it is seen to be so. The Chair cannot hear if they have had a prior involvement in the complaint or in the circumstances surrounding it.

An effective hearing 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 of the hearing and care is needed to ensure the setting is informal and not adversarial.

Extra care must 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 Chair needs to be aware of the complaints procedure.

The role of the chair of the governing body or the nominated governor

The nominated governor should:

Check that the correct procedure has been followed.

Notify the clerk to arrange the panel if a hearing is appropriate.

Standard Complaint Acknowledgement Letter

Dear Mr/Mrs

Regarding: **Acknowledgement of your Complaint**

Thank you for your complaint, which was received on.....concerning our school.

In the first instance, your complaint will be investigated by the Head Teacher or designated Senior Teacher in line with the School Complaints Procedure. If we require further information about your complaint we will contact you to discuss your concerns in more detail.

We will make every effort to respond to your complaint within 10 school working days from the receipt date.

If you would like to discuss the progress of your complaint, you will need to make an appointment to see the Head Teacher or make a telephone call. If the Head Teacher is not available all efforts will be made to return your call the following school working day.

I enclose a copy of the booklet 'Advice to Parents/Carers About Making a Compliment or Complaint. I hope that we will be able to resolve your complaint to your satisfaction however the booklet also contains information about your rights to appeal to the Governing Body, but I hope that course of action will not be necessary.

Yours sincerely

Standard Complaint Acknowledgement Letter Complaint About a Head Teacher

Dear Mr/Mrs

Regarding: **Acknowledgement of your Complaint**

Thank you for your complaint, which was received on....concerning our school.

As your complaint concerns the actions of the Head Teacher the Chair of the Governing Body will be asked to investigate this matter. If we require further information about your complaint we will contact you to discuss your concerns in more detail.

We will make every effort to respond to your complaint within twenty school working days from the receipt date.

If you would like to discuss the progress of your complaint, please contact

.....

I enclose a copy of the booklet 'Advice to Parents/Carers About Making a Compliment or Complaint which explains the School Complaints Procedure in more detail including your options for seeking redress if you remain dissatisfied with the outcome.

Yours sincerely

Standard Complaint Acknowledgement Letter Complaint to Governing Body

Dear Mr/Mrs.....

Re: **Acknowledgement of your Appeal to the Governing Body**

Thank you for your letter confirming your dissatisfaction with the response provided addressing your complaint and therefore requesting an appeal.

A meeting of the Complaints Committee will therefore be convened, which will comprise of (three or five) members. We will contact you within the next ten days to confirm the date of the meeting and you will have an opportunity to attend in person. Alternatively you may wish to provide written information, which can be considered by the Committee in your absence.

We will make every effort to deal with your Appeal within 20 school working days, from the date of receipt of your letter.

If you would like to discuss the progress of your complaint you can contact the Chair of the Complaint Committee (name) in writing at the school.

Yours sincerely