



Glazebury C E Primary School



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COMPLAINTS POLICY

Introduction

This policy is intended as a good practice guide, applying to most general complaints, which a school is likely to receive from parents. It meets the Circular 6/94 requirement to have a school policy about complaints concerning SEN provision within the school. Schools may also wish to use the model for considering complaints, which are made by pupils.

It is not intended to cover those aspects of school life for which there are specific statutory requirements: in particular, arrangements under s409 of the Education Act 1996 for complaints about the delivery of the National Curriculum and the provision of collective worship and religious education. Parents who are not satisfied with an LEA's decision about special needs assessments may appeal to the SEN Tribunal. Those with concerns about schools' admissions and exclusions also have specific appeal rights.

In addition allegations of child abuse, financial improprieties or other criminal activities will need to be dealt with through different procedures, as will complaints about contracted staff.

Some complaints about general matters of policy, such as the overall resourcing of a school, would also need to be dealt with differently.

General Principles: The Right Approach

As part of our general home/school policy, parents and pupils should be encouraged to express their views on what goes on within school, so that staff receive an early warning of potential difficulties, and many problems can be prevented from arising.

Certain general underlying principles should be observed whenever concerns or complaints are raised.

- 1. Publicity.** Parents should always know how they can raise concerns or lodge a formal complaint. There is a legal requirement for the Complaints Procedure to be publicised and it is up to the governing body to decide how to fulfil this requirement.

A summary of how the school deals with complaints should be included in the information, which is given to new parents when their children join the school, and in the information given to the children themselves. Parents and children should be reminded of the system at regular intervals.

Schools should prepare leaflets for parents explaining how problems are dealt with and how the complaints procedure works. (See Appendix 2).

The school will consider whether they need to make the procedures available in languages other than English and whether a tape cassette version, Braille or large print version should be available. The school will consider in advance how it would locate qualified interpreters in various languages, including British Sign Language.

If parents contact the LEA with their concerns when the school's internal procedures have not been fully exhausted, they should be referred back to the school. However, LEA leaflets can be useful in helping parents and others know about and use the procedures available. The leaflets should be available generally in libraries and schools, as well as being given to parents who specifically ask to make a complaint.

2. **Procedures should be as speedy as possible** - Each stage of the procedure should have known time limits. Where it is not possible to meet these, information about progress must be given to the complainant. Care should be taken not to drag things out with unnecessary bureaucracy.
3. **Support for complainant.** As part of the general publicity about complaints procedures, it is important for parents to know where they can go for information, advice and advocacy, if they require it. Ideally, support should be offered from individuals and organisations that are clearly separate from those complained against, such as Parents' Advice Centres, Citizens Advice Bureaux, Community Relations Councils, refugee support organisations and other local advice centres. However, useful help often comes from individual governors or LEA officers (e.g. specially designated complaints officer, Education Welfare Officer, Parent Partnership Officer), providing they are able to remain apart from any later stages in the procedure where they might otherwise be called upon to make a judgement on a complainant's disagreement with a school.

Parents raising concerns or complaints should be invited to be accompanied by a friend, a relative or a representative at any stage of the procedure.

4. **Support for a person complained against.** Staff who may be questioned as part of a complaints procedure investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case. They should be told about the procedure and be kept informed of progress. There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure, which puts the complaints procedure on hold. If so, the complainant should be informed of this and any non-disciplinary aspects of the complaint should be dealt with by the usual complaints procedures; the complainant should be "updated" every three weeks on the likely further delay. It may be clear after the disciplinary procedures have been completed, that particular responses to the complainant are required (e.g. an apology or an explanation of new policies to avoid a similar problem again).

5. **Confidentiality.** It is very important to treat conversations and correspondence with discretion. It is vitally important that parents feel confident that their complaint will not penalise their child. However, from the outset all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure.

It is usually proper to disregard anonymous complaints unless somebody is prepared to substantiate them, but the danger in this is that they may relate to something quite serious. It should be at the Headteacher or Chair of Governors discretion to decide whether the gravity of an anonymous complaint warrants an investigation. A record of **any** complaint will be retained in school.

6. **Redress.** If the outcome of the complaint procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of: an apology, an explanation, a promise that the event complained of will not recur, an undertaking to review school policies or practices in the light of the complaint, or, in appropriate circumstances, financial compensation. Fear of litigation should not prevent a school from admitting to parents when mistakes have been made, but advice should be taken from the LEA if litigation could be possible.
7. **Staff awareness and training.** School staff, including non-teaching staff, should be familiar with the procedures so that they can advise parents about their operation. Potentially a great many staff are involved in handling complaints, especially at the informal level. Their

confidence in doing so depends on their having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in the practical interpersonal skills needed in dealing with people who are upset or angry. (See Annex B). All school staff should have clear information about which staff have which responsibilities at school so that parents do not get continually passed from one to another.

- 8. Record keeping.** If complaints are to contribute to raising the quality of education, then they need to be recorded and monitored termly by senior staff and governors.

Recording should begin at the point when a concern or initial complaint has become the kind of complaint that cannot be resolved on the spot but needs investigation and/or consultation with others in the school and will require a later report back (either orally or in writing) to the parent.

Recording at the earliest stages will only be a very basic record of complaint, giving the date, name of parent and general nature of the complaint.

Stage 1: The First Contact: Guidelines for Dealing with Concerns and Complaints Informally

- 1.1 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or school secretary or Headteacher, depending on whom the parent first approached.
- 1.2 Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent.
- 1.3 At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

Procedure for Stage 1

- 1.4 Parents have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.
- 1.5 If the member of staff first contacted cannot immediately deal with the matter, s/he makes a clear note of the date, name, and contact address or phone number.
- 1.6 Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been successful.
- 1.7 On certain major issues, the Headteacher may decide to deal with concerns directly at this stage.
- 1.8 If the concern relates to the Headteacher, the parent is advised to contact the Chair of the Governing Body.
- 1.9 The staff member dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.

- 1.10 Where no satisfactory solution has been found within 10 school days, parents are asked if they wish their concern to be considered further. If so they are given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

Stage 2: Referral to the Headteacher for Investigation - Informal

- 2.1 At this stage it has become clear that the concern is a definite complaint. In some cases the Headteacher has already been involved in looking at the matter, in others it is his/her first involvement. In either case, it is helpful for the Headteacher (or the person delegated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage, which could make it difficult for later stages to proceed smoothly.
- 2.2 As the Headteacher has responsibility for the day-to-day running of the school, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various “stages” in a complaints procedure is to reassure complainants that more than one person is hearing their grievance. The Headteacher should make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example arrangements may be made for other staff to deal with parents’ concerns at Stage 1, while the Headteacher deals with contacts with parents at Stage 2. Even at that stage the Headteacher may designate another member of staff to collect some of the information from the various parties involved. **In some cases, the Headteacher may be so involved at Stage 1 that Stage 2 has to be carried out by the Chair of the Governing Body.**

Procedure for Stage 2

- 2.3 The Headteacher/Chair (or designate) acknowledges the complaint orally or in writing within 3 working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school’s complaint procedure and a target date for providing a response to the complaint. This should normally be within 15 school days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.
- 2.4 The Headteacher/Chair (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is made clear to the complainant that if s/he wishes. S/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.
- 2.5 If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/guardians present. In some situations, circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that parents or guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind.
- 2.6 The Headteacher (or designate) keeps written records of meetings, telephone conversations, and other documentation.
- 2.7 Once all the relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complaint, or may wish to meet the complainant to discuss/resolve the matter directly.

- 2.8 A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further he/she should notify the Chair of the Governing Body within five weeks of receiving the outcome letter.
- 2.9 **If a complaint is against the action of the Headteacher, or if the Headteacher has been very closely involved at Stage 1, the Chair of the Governing Body (or designate) must carry out all the Stage 2 procedures.**
- 2.10 If the complainant is for any reason unhappy with the Headteacher's/Chair's finding and response, the complainant must write to the Clerk to the Governing Body, within a 20 school day period, setting out the complaint(s) they still wish to pursue. They should also clearly say whether they wish to proceed to Stage 3 of the complaints procedure. A pro forma for this purpose should be supplied with the Chair's response. Unless there are proven exceptional circumstances, if after 25 days from the date of posting of the Chair's response, no indication has been received that the complainant wishes to proceed to Stage 3, the complaint will be considered resolved and closed, and no further action will be taken by the school.

Stage 3: Review by the Governing Body - Formal

- 3.1 **Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary.** At this stage, schools should seek advice from any relevant authority e.g. LA, Board of Education (C of E) or Diocesan Schools' Commission (RC). This can provide a useful "outside view" on these issues.
- 3.2 **It is important that this review not only be independent and impartial but that it be seen as so.** Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise; for example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly some governors might have previous knowledge of the problem, which led to the complaint and would be unable to give fair unbiased consideration to the issue.
- 3.3 Many complaints are inevitably seen by parents as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure, and it may be appropriate for the Governing Body to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

Procedure for review by the Governing Body

- 3.4 Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below should be followed.
- 3.5 The Clerk to the Governing Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the school's Governing Body within 20 school days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three Governor Panel members, for them to be received by the members, and the Headteacher, at least 5 school days before the hearing.
- 3.6 The Clerk to the Governors should arrange to convene a Governors' Complaints Panel elected from members of the Governing Body. It may be necessary for the Governing Body to appoint reserves to this Panel to ensure that three Governors are available to carry out their task within the set time limits.

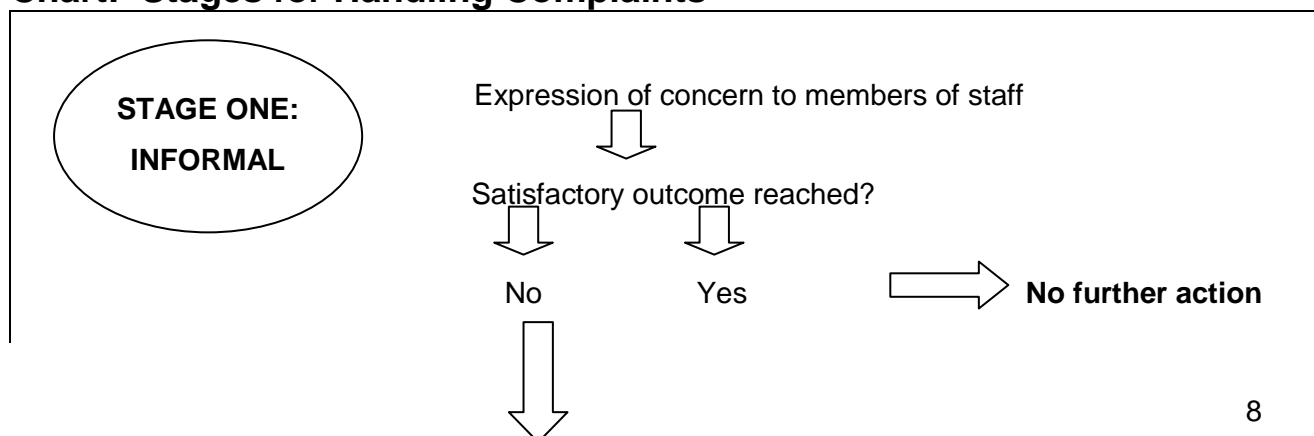
- 3.7 The Panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the Panel; otherwise the Vice Chair should do it. Generally it is not appropriate for the Headteacher to have a place on the Panel. Governors will want to bear in mind the advantages of having a parent (who is also a governor) on the Panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.
- 3.8 The Chair/Vice Chair will ensure that the Panel hears the complaint within 20 school days of receiving the letter in 3.5. All relevant correspondence regarding the complaints should be given to each Panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to Panel members.
- 3.9 The Chair/Vice Chair, via the Clerk, will write and inform the complainant, Headteacher, any relevant witnesses, and members of the Panel at least 5 school days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence for consideration by the Headteacher and the Panel.
- 3.10 The Chair/Vice Chair of the Governing Body should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's submitted documentation, should be received by all concerned - including the complainant - at least 5 working days prior to the meeting.
- 3.11 The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.
- 3.12 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.
- 3.13 The aim of the meeting should 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.
- 3.14 The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as 'informal' as possible.
- 3.15 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests or natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 3.16 The meeting will allow for:
- The complainant to explain their complaint and the Headteacher to explain the school's response.
 - The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff about the school's response.
 - Panel members to have an opportunity to question both the complainant and the Headteacher.
 - Any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses.
 - Final statements by both the complainant and the Headteacher.

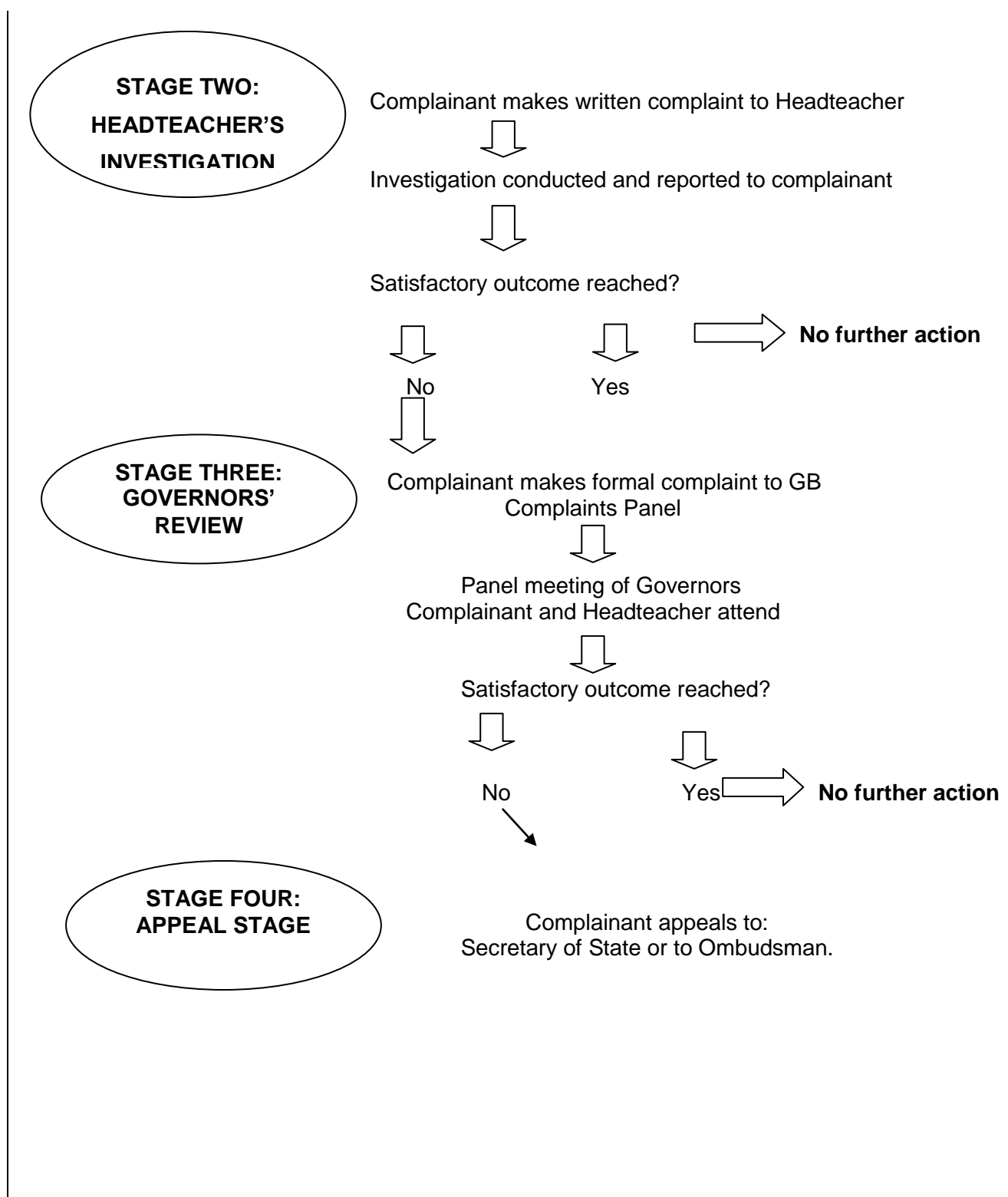
- 3.17 The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 5 school days. The complainant, Headteacher, other members of staff and witnesses will then leave.
- 3.18 The Panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 3.19 A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.
- 3.20 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records for at least 6 months. These records should be kept confidentially and separately from the pupil's personal records.
- 3.21 For most complaints, parents cannot take their appeal further than the governing body. The LA may provide a consultancy/mediation service to help schools and the complainant to resolve complaints. The school will use this service if they are unable to satisfy complainants internally.
- 3.22 If the complainant feels that the school has acted unreasonably or not followed the correct procedure, they can move to stage 4 of the procedures and contact the Secretary of State or the Local Ombudsman.

Stage 4: Appeal Stage - Formal

- 5.1 **The Secretary of State:** Complaints can be taken to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the grounds that a Governing Body or LA 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 LA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LA for more information in order to consider the complaint. These powers relate to County Schools and Voluntary Schools and Grant-Maintained Schools and City Technology Colleges.
- 5.2.1 **The Local Government Ombudsman:** Complaints about the maladministration of Local Authority Services including the way it operates any general school complaints procedure could be made to the Ombudsman. However the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.

Chart: Stages for Handling Complaints





Appendix 1

Concerns and Complaints about Schools Guidance Notes for Parents

If you have a concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you want to tell us, our support and respect for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem, which has happened some time ago.

What to do first

Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher. Any teacher or the school secretary can help you find the right member of staff. If you have a

complaint, which you feel should be, looked at by the Headteacher in the first instance you can contact him/her straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling in to the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

What to do next

If you are dissatisfied with the teacher's response (or with the Headteacher's initial reaction if he/she has already been involved) you can make a complaint to the Headteacher. This should be made in writing. Help with this is available from Governors support services at New Town House, Buttermarket Street, Warrington.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors now. You can contact them via the school office.

You may also find it helpful at this stage to have a copy of the full statement of the General Complaints Procedure as this explains in detail what procedures are followed. This is available from the school office.

The Headteacher or Chair of Governors will ask to meet you for a discussion of the problem. Again you may take a friend or someone else with you if you wish. The Headteacher or Chair of Governors will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

If you are still unhappy

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the governing body to ask for referral or your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the panel at a meeting, which the Headteacher will also attend unless the complaint is about the head teacher. The General Complaints Procedure statement explains how these meetings operate.

Further action

Complaints about school problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to an outside body such as the Local Education Authority or the Secretary of State for Education and Employment. Again there is more information on this in the General Complaints Procedure.

Appendix 2

Glazebury C.E. Community Primary School Complaints policy

Parent Carer - Order of Proceedings

The following order of proceedings will apply for the conduct of the Panel hearing:

1. Welcome and introduction by the Chair of the Panel.
2. The parents (and/or their representative) explain the nature of their complaint.
3. The Headteacher (and/or his/her representative) asks the parents (and/or their representative) any questions about what they have said.

4. The Panel members ask the parents (and/or their representative) any questions.
5. The Headteacher (and/or his/her representative) responds to the parental complaint.
6. The parents (and/or their representative) ask the Headteacher (and/or his/her representative) any questions about what they have said.
7. The Panel members ask the Headteacher (and/or his/her representative) any questions.
8. The parents (and/or their representative) sum up their case.
9. The Headteacher (and/or his/her representative) sums up his/her case.
10. The Complainant must be asked if they feel that they have had a fair hearing
11. Both parties leave the room where the hearing is taking place.
12. The Panel considers the case and makes a decision.

Reaching a Decision

The Panel makes its decision when both parties to the hearing have left the room. The decision-making process may take some time, and it is suggested that both parties leave the venue for the meeting, rather than waiting outside the room for the Panel's decision. The decision which is reached should be an objective one, based on the evidence presented to the Panel, and not on any preconceptions about either the school or the parents involved.

The Chair of the Panel should sum up the evidence impartially, and then invite the views of the other members of the Panel. If a LA officer is present, he/she should be consulted for advice and guidance as appropriate, but cannot be involved in the final decision. Unanimous decisions by members of the Panel are preferable, but a majority vote is sufficient if there is not complete agreement amongst the Panel members.

In essence, there are two possible decisions that the Panel can reach:

1. The parental complaint is **upheld**, as a result of which the school is directed to take particular action(s) to ensure that a similar complaint does not occur in the future.
2. The parental complaint is **not upheld**, and the school is deemed to have acted correctly in its handling of the situation.

In real life situations, it is inevitable that matters may not be quite so clear-cut, and the Panel may decide that although, on balance, they do not uphold the parental complaint, they nevertheless recommend certain courses of action to be taken by the school so that any future concerns raised are dealt with more effectively. It is important to work on the principle that at all times justice must be done, and must be seen to be done, if there is to be confidence in the Panel hearing.

Communicating the Decision

As soon as a decision has been reached, both parties should be informed in writing of:

- (a) the decision of the Panel in relation to the complaint;
- (b) the reasons for that decision; and

- (c) any action taken or proposed by the Panel in relation to the complaint however any information relating to staff must be kept confidential.

Appendix 3

Glazebury C.E. Community Primary School **Complaints Policy**

Suggestions for Complainants Case Preparation

- Collect all the paperwork/correspondence that you have and put it in date order.
- Read through it to remind yourself of what there is.
- Refer to the written complaint that you have made so that you can define what it is.
- Make a list of all the important points that you wish to make in your verbal presentation.
- Try to put these in a logical order that will make sense to someone who is hearing your case for the first time.
- It is a good idea to try it out on someone (a friend perhaps) to see if they understand it fully. You may also wish to put much of what you want to say in writing as well.
- Then decide which pieces of your paperwork/correspondence that will best support the points that you are trying to get across to the Panel. In addition you may feel that there is also other information that would also be helpful to your case.
- It is this paperwork, and perhaps the written version of your main points, that you will then need to submit for the Panel and school to have access to prior to the hearing. This needs to be with Governor Support Team about 2 weeks before the hearing is due.
- Before confirming a date that you will be available for the hearing check that any witnesses you would like to attend to support your case are also available and willing to attend, and inform those making the arrangements that you wish to bring a witness/witnesses.
- Once your case is prepared and you know which witnesses you may be calling you will need to think about the questions you have to ask them to support any of the points you want to make.

Seek advice from Governor Support Officer on the hearing procedures and expectations.

Appendix 4

How to Listen to Complaints

As soon as you realise that you are listening to a complaint, remember these points:

Don't pass the buck

Try not to keep transferring an angry person from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.

Don't be flippant

First impressions count. You and the school may be judged on your immediate reaction.

Treat all complaints seriously	However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain.
Treat every complaint individually	Even if you have already received several similar complaints the same day, it is probably the person's first chance to have their say.
Be courteous and patient	Be sympathetic and helpful, but do not blame other colleagues.
Say who you are	If you are unknown to the person, introduce yourself.
Ask for their name and use it	Anonymous complaints are acceptable only where there are special circumstances.
Take time to find out exactly what the problem is	It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.
Don't take the complaint personally	To an angry or upset person, YOU are the school, and the only one they can put their feelings to right now.
Stay cool and calm	Do not argue with the person - be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong.
Check you are being understood	Make sure that the person understands what you are saying. Don't use jargon - it can cause confusion and annoyance to someone "not in the know".
Don't rush	Take your time. Let people have their say, and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.

Appendix 5

The Governing Body Complaints Panel

If all informal attempts to resolve a complaint have failed, parents should have the opportunity of presenting their complaint in a formal manner to the Governing Body.

A Governing Body Complaints Panel hearing does not have any status in law, but the hearing should be seen to be fair and in accordance with the principles of natural justice. These may be summarised as follows:

- * Panel members should be impartial and unprejudiced, and have no personal interest in the result of the hearing.
- * Panel members should have no previous involvement in the case.
- * Parents should have an opportunity to clearly explain the nature of their complaint.
- * The Headteacher should have an opportunity to respond to the complaint on behalf of the school.
- * Both parties should be able to bring a friend or adviser with them to the hearing.

- * Any written documentation to be used as evidence should be distributed to both parties and to members of the Panel before the hearing. This includes any statements from third parties or “expert” witnesses.
- * Neither party involved in the hearing should be in the presence of the Panel unless the other party is also present.

Membership of the Panel

A Complaints Panel of three governors is recommended, principally for two reasons:

1. A panel consisting of a larger number of governors may be unnecessarily daunting for parents, most of whom will find the formal process sufficiently unnerving in itself.
2. If the panel is not unanimous in its findings, the presence of an odd number of governors means that a majority verdict is always possible.

It is important that the Chair of Governors is *not* a member of this panel, as he/she will have had prior involvement in the case as a result of trying to resolve the complaint at an informal level.

The membership and remit of the Complaints Panel should be approved at a full Governing Body meeting and reviewed annually as part of the Autumn Term review of the Governing Body Committee structure. It is recommended that the Complaints Panel consists of 3 named governors, with one person designated to act as Chair of the Panel. The Chair of Governors should have the delegated power to call upon specified substitute governors to be panel members if any of the named governors is unavailable or has an interest in the complaint which is to be heard.

Panel Meetings

The Chair of Governors, who will not be a member of the Panel, should take responsibility for liaising with the parents and the Panel members about a convenient date, time and place for the hearing. It is likely that the school will be used as the venue, but a neutral area within the building should be used for the hearing (ie. not the Headteacher’s office).

The Chair of Governors should also liaise with Governor Services about the arrangements for the hearing. Normally, a senior LA officer will be available to attend the hearing to provide professional advice to members of the Panel. In addition, for those schools which have bought into the LA’s Clerking Service, a clerk will be available to take minutes of the proceedings.

The Chair of Governors, rather than the Headteacher, should ensure that any written documentation is circulated to all parties well in advance of the hearing. The LA is available to provide assistance in the distribution of documentation for those schools which have bought into the Clerking Service.

Role of the Chair of the Panel

The Panel will normally consist of three governors, one of whom will act as Chair of the Panel throughout the hearing. The Chair of the Panel’s role is important in setting the tone for the hearing, which should be informal but clearly structured. The main aspects of the role are as follows:

- * Welcoming and introducing everyone.
- * Clarifying the status of those accompanying each party (representative, adviser, friend etc.).
- * Explaining the procedure, including the possible outcomes of the hearing.
- * Encouraging people to speak freely, but to keep to the point.

- * Summing up regularly throughout the hearing.
- * Asking both parties if they have had a chance to say all they wanted to.

Members of the Panel, and the Chair in particular, should try to put both parties at their ease, appreciating that the hearing will probably be a very stressful situation for them.

Code of Conduct for Panel Members

Panel members should be scrupulously fair in the way they treat the two parties. It is very easy to give the appearance of prejudice in favour of one party or the other, for example:

- * by calling some people and not others by their first names, or getting names wrong.
- * by the way in which questions are asked.
- * by inappropriate body language (examples of this might include whispering to other Panel members, yawning, doodling, or failing to look at the person who is speaking).

Listening and observing are as important as questioning. Panel members should avoid questions which give the impression that the Panel has already made up its mind about the case. Apart from questions which involve checking matters of fact, the best questions are open-ended ones, allowing scope for the two parties to express their feelings. Any matters discussed at panel meetings must be kept confidential.

Order of Proceedings

The following order of proceedings will apply for the conduct of the Panel hearing:

1. Welcome and introduction by the Chair of the Panel.
2. The parents (and/or their representative) explain the nature of their complaint.
3. The Headteacher (and/or his/her representative) asks the parents (and/or their representative) any questions about what they have said.
4. The Panel members ask the parents (and/or their representative) any questions.
5. The Headteacher (and/or his/her representative) responds to the parental complaint.
6. The parents (and/or their representative) ask the Headteacher (and/or his/her representative) any questions about what they have said.
7. The Panel members ask the Headteacher (and/or his/her representative) any questions.
8. The parents (and/or their representative) sum up their case.
11. The Headteacher (and/or his/her representative) sums up his/her case.
12. The Complainant can be asked if they feel that they have had a fair hearing
11. Both parties leave the room where the hearing is taking place.
12. The Panel considers the case and makes a decision.

Reaching a Decision

The Panel makes its decision when both parties to the hearing have left the room. The decision-making process may take some time, and it is suggested that both parties leave the venue for the meeting, rather than waiting outside the room for the Panel's decision. The decision which is reached should be an objective one, based on the evidence presented to the Panel, and not on any preconceptions about either the school or the parents involved.

The Chair of the Panel should sum up the evidence impartially, and then invite the views of the other members of the Panel. If a LA officer is present, he/she should be consulted for advice and guidance as appropriate, but cannot be involved in the final decision. Unanimous decisions by members of the Panel are preferable, but a majority vote is sufficient if there is not complete agreement amongst the Panel members.

In essence, there are two possible decisions that the Panel can reach:

3. The parental complaint is **upheld**, as a result of which the school is directed to take particular action(s) to ensure that a similar complaint does not occur in the future.
4. The parental complaint is **not upheld**, and the school is deemed to have acted correctly in its handling of the situation.

In real life situations, it is inevitable that matters may not be quite so clear-cut, and the Panel may decide that although, on balance, they do not uphold the parental complaint, they nevertheless recommend certain courses of action to be taken by the school so that any future concerns raised are dealt with more effectively. It is important to work on the principle that at all times justice must be done, and must be seen to be done, if there is to be confidence in the Panel hearing.

Communicating the Decision

As soon as a decision has been reached, both parties should be informed in writing of:

- (a) the decision of the Panel in relation to the complaint;
- (b) the reasons for that decision; and
- (c) any action taken or proposed by the Panel in relation to the complaint.

Appendix 6

Extract from The DCSF (DfES) Guidance on School Complaints Procedures

Below is an extract that may help Chairs of Governing Bodies, or Headteachers, undertake an investigation, at the informal stage, following a complaint that requires such an investigation. This is intended to minimise the need to proceed to the formal stages of the procedures as laid down in the School's Complaints Policy.

EXTRACT

Investigating Complaints

9. It is suggested that at each stage, the person investigating the complaint (the complaints co-ordinator), makes sure that they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

Resolving Complaints

10. At each stage in the procedure schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- 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 complaint.

11. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

13. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Complaint form

Please complete and return to Mrs Jennifer Hindley Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email:

Please give details of your complaint.

What action, if any, have you already taken to try to 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 whom:

Complaint referred to:

Date:

Appendix 6

Investigation Report.
Sample template for stage 2.

The template below is for guidance only; it may be useful in supporting an investigation but it is not prescriptive. Investigations must be thorough and are by no means restricted to the suggested sections below.

Context

Provide a brief summary of the context of the complaint.

Scope of the investigation:

(E.g. bullet point who you interviewed/ documents you perused/timeline etc)

Interview 1 – e.g. complainant.

Summarise the interview basing the summary on the independent minutes taken at the time.

Interview 2 – e.g. person about whom the complaint is made.

As above.

Repeat for all interviews.

Conclusions

What do you agree with? What do you disagree with? (Based on your investigation, giving reasons).

Clear up any misunderstandings.

1. Respond to the complaint (refer to the complaint in the complaint form).
2. Respond to the complainant's suggestions for a resolution/s (refer to the suggestions in the complaint form). .

Give reasons for your conclusions and responses.

Say whether the complaint has been: **upheld** or **upheld in part** or **over-ruled**

Actions/recommendations

Actions to be taken by the school, as a result of the investigation into the complaint (if appropriate).

E.g. Changes to school policy, what you will do differently next time, discussions with staff/headteacher, training etc.

Next steps

Statement to say this stage is concluded.

Advise complainant as to next steps if they remain dissatisfied on receipt of this report (with regard to the school's complaints procedure).

Investigation checklist

The checklist below is for support and guidance but is not necessarily definitive.

Have you:

- Read the complaints policy in its entirety?
- Taken particular note of the sections on “investigating complaints”, (page 7), “code of conduct” (annex C) and “advice and good practice” (annex D).
- Taken advice and sought clarification if needed (e.g. from the school adviser or the LA’s complaints officer)?
- Met with the complainant?
- Met with the person about whom the complaint is made? Met with anybody else involved?
- Have you met other adults who may have seen what happened?
- Perused all relevant documentation e.g. policies, statements, records etc? Persisted in your questioning during meetings/interviews?

- Been professional but put people at their ease? Kept notes?
- Ensured that independent minutes have been taken at the time of the interviews, which include the specific questions you have asked?
- Liaised with the clerk/minute taker and confirmed the draft minutes? Ensured that draft minutes are produced as quickly as possible? Kept an open mind throughout and been impartial?
- Maintained confidentiality?
- Followed the school's complaints policy? Kept to timescales?
- Identified any points of agreement? Clarified any misunderstandings? Tried to seek a resolution?
- Focussed on the original complaint as specified in the complaints form? Undertaken a thorough investigation?
- Written a report setting out clearly your conclusions? (Annex E).

Things to consider before writing your report:

- Is there anyone else you could/should interview? Any other documentation you could look at?
- Is there anything else you could ask in meetings/interviews?
- Do you need to re-visit anything and or speak to anyone again before completing your finalised report?

Appendix 8

Checklist for the panel hearing

- Clerk convened the complaints panel with five days notice.
- Clerk informed the complainants' of the names of those on the panel and school contact details of the Chair of the Panel.
- Meeting arrangements as informal as possible.
- Arrangements made to interview those involved in the matter. Chair of Governor's/Head teacher's report from stage 2 obtained. Any other relevant documentation obtained.
- Complainant, panel and person against whom complaint is made received copies of all documentation in advance of the hearing.
- Panel members perused all documentation in advance of the hearing. Arrangements made for panel to meet immediately before the hearing.
- Care taken with the layout of the room in which the hearing will take place.

- Focus of the hearing includes all parties trying to resolve the complaint and achieve reconciliation.
- Hearing focused on the substance of the original complaint and the complainants suggested resolution/s.
- Complainant and person against whom complaint is made are present throughout to hear representations and ask questions.
- Meeting independently minuted.
- Report produced which includes a statement that the complaint is upheld, upheld in part or not upheld.
- Report copied to complainant, person against whom complaint is made, Head teacher, Chair of Governors.

Appendix 9

Hearing Report. Sample template for stage 3.

The template below is for guidance only; it may be useful in supporting a hearing report but it is not prescriptive. Hearings reports must be thorough and are by no means restricted to the suggested sections below.

Context

Provide a brief summary of the context of the complaint and why it has reached stage 3.

Scope of the investigation:

(E.g. bullet point who you interviewed/ documents you perused/timeline/ documentation provided to all parties etc)

Summary of the pre-hearing panel meeting

Interview 1 – e.g. complainant.

Summarise the interview basing the summary on the independent minutes taken at the time. Include, for example, any questions asked by the person about whom the complaint is made.

Interview 2 – e.g. person about whom the complaint is made.
As above. Include, for example, any questions asked by the complainant.

Repeat for all interviews.

Summary of the discussion, with both parties, to try to seek a resolution.

Conclusions

Points of agreement between the parties (if applicable).

Points of remaining disagreement (if applicable).

Any misunderstandings.

1. Respond to the complaint (refer to the complaint in the complaint form).
2. Respond to the complainant's suggestions for a resolution/s (refer to the suggestions in the complaint form).

Give reasons for your conclusions and responses.

Say whether the complaint has been: upheld or upheld in part or over-ruled

Chair of Governors/Head teacher's report at stage 2 and informal investigation at stage 1.

Make brief reference to these stages and reports where applicable. Any specific areas the panel agreed with/disagreed with if appropriate.

NB the panel hearing is a re-examination of the issue and should not merely rubber stamp the previous investigation. The panel may or may not agree with the Stage 2 report (or aspects of it) and brief comment about this may be made here.

Chair of Governors/Head teacher's report at stage 2 and informal investigation at stage 1.

Make brief reference to these stages and reports where applicable. Any specific areas the panel agreed with/disagreed with if appropriate.

NB the panel hearing is a re-examination of the issue and should not merely rubber stamp the previous investigation. The panel may or may not agree with the Stage 2 report (or aspects of it) and brief comment about this may be made here.

Actions/recommendations

Actions to be taken by the school, as a result of the examination of the complaint at stage 3 (if appropriate).

E.g. Changes to school policy, what you will do differently next time, discussions with staff/headteacher, training etc.

Next steps

Statement to say this stage is concluded.

Advise complainant as to next steps if they remain dissatisfied on receipt of this report (with regard to the school's complaints procedure).