

Collis Primary School

**Complaints Procedure**

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## **Complaints Procedure**

### **Introduction**

A complaint is an expression of dissatisfaction which needs a formal response from the school.

Most issues can be amicably resolved within the school, and every effort should be made to deal with these informally. However, where issues cannot be resolved and parents or carers raising issues are not satisfied, concerns may be submitted formally. This formal submission is then regarded as a 'complaint' which will be responded to using the following procedure.

This document does not cover complaints about the following areas, as they are dealt with under their own specific procedures.

- Curriculum
- Sex Education
- Admissions
- Exclusions
- SEN
- Child Protection

See Appendix 1 for more details on these issues.

### **Stage one: complaint heard by staff member**

A Complaint Form (Appendix 2) should be completed for every complaint received. The complaints file is kept in the school office. The school will acknowledge receipt of the complaint as soon as possible – at the latest within three working days – and fully investigate the matter within 15 working days. If there is any delay, the school will advise the parents or carers of this and offer an explanation.

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.

The school respects 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. Where the complaint concerns the Headteacher, the Complaints Co-ordinator can refer the complainant to the Chair of Governors.

Similarly, 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.

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. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

### **Stage two: complaint heard by Headteacher**

If informal discussions of a complaint or problem have not produced a satisfactory resolution to the situation, parents or carers should put their complaint in writing to the Headteacher. Relevant names, dates, evidence and any other important information on the nature of the complaint should be included.

The complainant may be dissatisfied with the way the complaint was handled at stage one, as well as pursuing their initial complaint.

The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. Notes will be taken during meetings and interviews, and will be signed and dated.

Children will be interviewed away from others who may have been involved in the matter causing the complaint. It may be appropriate to interview individual pupils privately, preferably with another adult present. A contemporaneous note of the information provided will be taken, and then signed and dated by the interviewer.

The Headteacher will be responsible for sending a full and formal response.

### **Stage three: complaint heard by Governing Body's Complaints Appeal Panel**

The governors' appeal hearing is the last school-based stage of the complaints process. The complainant should write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Body complaints panel.

Individual complaints would 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.

The Governing Body may nominate a number of members with delegated powers to hear complaints, and set out the panel's terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The panel can be drawn from the nominated members and may consist of three or five people. The panel will be assembled with due sensitivity to the individual nature of the complaint. The panel may choose their own chair.

### **The remit of the Complaints Appeal Panel**

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, 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 will 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.

### **The Role of the Chair of the Governing Body or the Nominated Governor**

The nominated governor role:

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

### **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;

- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Appendix 3 is a checklist for a panel hearing.

### **Notification of the Panel's Decision**

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response, within 10 working days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## **Appendix 1 – Complaints not covered by this policy**

Where possible, the school aims to resolve issues amicably and informally before they become formal complaints. For some issues, their treatment as a formal complaint will differ from the steps outlined in this Complaints Procedure. The local authority can provide advice on how to make a complaint regarding these issues, as outlined below.

### **Curriculum and sex education**

Under the Education Act 1996 Part V Chapter 1 and the Schools Standards Framework Act 1998 Part II, parents may make a complaint if they believe the Local Authority or the Governing Body is failing to:

- provide the national curriculum in the school for a particular child;
- follow the law on charging for school activities;
- offer only approved qualifications or syllabuses;
- provide RE and daily collective worship;
- provide the information that they have to provide;
- carry out any other statutory duty relating to the curriculum;

or is acting unreasonably in any of the above cases.

### **Admissions**

School admissions appeals are subject to the Code of Practice for School Admissions Appeals 1999 based on the School Standards & Framework Act 1998 Part III Chapter I.

### **Exclusions**

Issues relating to exclusions are dealt with under the School Standards & Framework Act 1998 Part III Chapter V.

### **SEN**

Special Education Needs matters are dealt with under the Education Act 1996 Part IV and the Education (SEN) Regulations 1994.

### **Child Protection**

All Child Protection matters are dealt with under the Children Act 1989 and circular 10/95.

## **Appendix 2 - Complaint Form**

Please complete and return to Jane Way (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, did you take to resolve this complaint? Who did you speak to, and what was their response?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? Please give details:

Signature:

Date:

FOR OFFICIAL USE ONLY

Date received:

Date acknowledgment sent:

Sent by (name):

Complaint referred to:

Date:

Date final response sent:

Sent by (name):

### **Appendix 3 - 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.