



# **Complaints Principles and Procedures October 2021**

POLICY No. 89

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LEAD: Jacqueline Pitt

GOVERNOR RESPONSIBLE: Governing Body

## Chadsgrove School Complaints Principles and Procedures

Governing Bodies are required, under Section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure to deal with complaints relating to the school.

### Part 1: General Principles of Complaints

#### Dealing with Complaints – Initial Concerns

The aim of this policy is to resolve concerns at the earliest opportunity and effect reconciliation if there has been friction. The school appreciates that there is a difference between a concern and a complaint and that taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. The Governors are committed to managing complaints effectively but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. Staff are encouraged to resolve issues on the spot, including apologising where necessary.

#### Dealing with Complaints – Formal Procedures

The formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. The Headteacher is responsible for the operation and management of the complaints procedure.

#### Framework of Principles

The Governors have made every effort to develop an effective Complaints Procedure which will:

- Encourage resolution of problems by **informal** means wherever possible;
- Be easily **accessible** and **publicised**;
- Be **simple** to understand and use;
- Be **impartial**;
- Be **non-adversarial**;
- Allow **swift** handling with established time-limits for action and keeping people informed of the 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 leadership team so that services can be improved.

#### Investigating Complaints

At each stage, the person investigating the complaint will ensure 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**

Chadsgrove is committed to seeking resolution at each stage in the procedure. 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.

The school encourages complainants 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.

The procedure will always identify areas of agreement between the parties and clarify any misunderstandings that might have occurred as this helps to create a positive atmosphere in which to discuss any outstanding issues.

### **Vexatious Complaints**

The school expects that if properly followed, our complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **Time Limits**

The school believes that complaints need to be considered, and resolved, as quickly and efficiently as possible. Our complaints procedure has realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

### **Cut Off Limits**

It is expected that parent carers make a complaint as soon as possible after an incident arises but school understands that there may be good reasons why a parent carer has not made a complaint earlier (e.g. they were gathering further information to support their complaint or they were not fully aware of the implications of an incident until a later date).

## **Part 2: Notes on the Formal Complaints Procedure**

### **The Stages of Complaints**

The school has four school-based stages:

- Stage one: complaint heard by staff member (though not the subject of the complaint);
- Stage two: complaint heard by Headteacher;
- Stage three: complaint heard by the Chair of Governors;
- Stage four: complaint heard by Governing Body's Complaints Appeal panel.

At each stage, the person hearing the complaint will clarify what will be involved, what will happen and expected time scales to the complainant. However, there may be some need for flexibility and when this arises; the complainant will be informed of the revised timescales.

An unsatisfied complainant can always take a complaint to the next stage.

You can telephone the Special Educational Needs Disabilities Information and Support Service (SENDIASS) on 01905 768153 for impartial advice or for any unresolved complaints write to the Secretary of State for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT.

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school/how-to-complain>

Alternatively you can complete 'Parent View'. Parent View gives you the chance to tell Ofsted what you think about your child's school, from the quality of teaching to dealing with bullying and poor behaviour. The survey can be completed at any time, you don't have to wait until the school is being inspected. The website address is:

<https://parentview.ofsted.gov.uk>

## **Part 3: Notes on Managing and Recording Complaints**

### **Recording Complaints**

Chadsgrove School will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. The complaint form proforma can be found at the back of this policy. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. All records of complaints are held by the Headteacher.

### **Governing Body Review**

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary as part of the school evaluation process. Complaints information shared with the whole Governing Body will not name individuals.

### **Publicising the Procedure**

The Complaints Procedure is available from the school office and is published on the school website.

## **Part A – The Act**

Section 29 of the Education Act 2002 requires that:

1. The Governing Body of a maintained school (including a maintained nursery school) shall
  - a. Establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints failing to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
  - b. Publicise the procedures so established.
2. In establishing or publicising procedures under subsection (1), the Governing Body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the education Act 2002 provides the following:

“Maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school; for the purposes of the complaints procedure we have called the person making the complaint the complainant. This procedure must be read in conjunction with the flow diagram, which includes time scales.

## **Part B – Chadsgrove School Complaints Procedure**

### **Stage One: Complaint Heard by Staff Member**

It is in everyone’s interest that complaints are resolved at the earliest possible stage. It is vital that the first contact between the person making the complaint and the school is positive as this can be crucial in determining whether the complaint will escalate. To that end, the school makes staff aware of the procedures, so that they know what to do if they receive a complaint.

If a complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff, the school will respect those views and in this situation, the Headteacher will refer the parent carer to another staff member. Where the complaint concerns the Headteacher, the Headteacher will 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 Headteacher will consider referring the complainant to another staff member, who is in the position to consider the complaint objectively and impartially. Where the first approach by the parent carer, is made to a Governor, they will refer and encourage the parent carer to approach the appropriate member of staff and advise them about the procedure. Governors are not able to 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**

In stage two, it is important to remember that the complainant may be dissatisfied with the way the complaint was handled at stage one as well as wishing to pursue their initial complaint. The Headteacher may delegate the task of collating the information to another staff member, regarding

both issues but not the decision on the action to be taken. The Headteacher will write to the parent carer within ten school days of the end of the investigation, including details of their appeal rights.

### **Stage Three: Complaint Heard by Chair of Governors**

If the parent carer is not satisfied with the response of the Headteacher or the complaint is about the Headteacher, the parent carer should write to the Chair of Governors to request that their complaint is considered further.

### **Stage Four: Complaint Heard by Governing Bodies Complaints Appeal Panel**

The parent carer will write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at Stage Three, a nominated Governor, will convene a Governing Body complaints panel.

The Governors' appeal hearing is the last school based stage of the complaints process and is not convened to rubber stamp previous decisions.

Individual complaints will not be heard by the whole Governing Body at any stage, as this may compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governing Body will nominate three members with delegated powers to hear any complaints at this stage. The procedure adopted by the panel for hearing appeals is detailed in these principles and procedure. The panel will choose their own Chair. The panel is able to make recommendations to the Full Governing Body on policy should this be necessary.

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

The panel will:

- 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.

Any Governor sitting on a complaints panel will be expected to adhere to the following:

- a. The appeal hearing must be independent and impartial and 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 must try and ensure that it is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the parent carer. However, the Governors recognise the parent carer 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 parent carer that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many parent carers feel nervous and inhibited in a formal setting. Parent carers often feel emotional when discussing an issue that affects their

child. The Panel Chair will ensure that the proceedings are as welcome 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. In unusual circumstances the person making the complaint 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 carer is making the complaint, the school offers the parent carer the opportunity for their child to attend parts of the hearing, they wish their child to attend.
- e. The Governors sitting on the panel will adhere to the School Complaints Procedure.

## **Roles and Responsibilities**

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

The Governor Panel considering complaints will ensure that it is clerked. The clerk would be the contact point for the parent carer 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:

- Checks 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;
- Parent carers 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.

### **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 five school days. The letter will explain the further rights of appeal and to whom they need to be addressed.

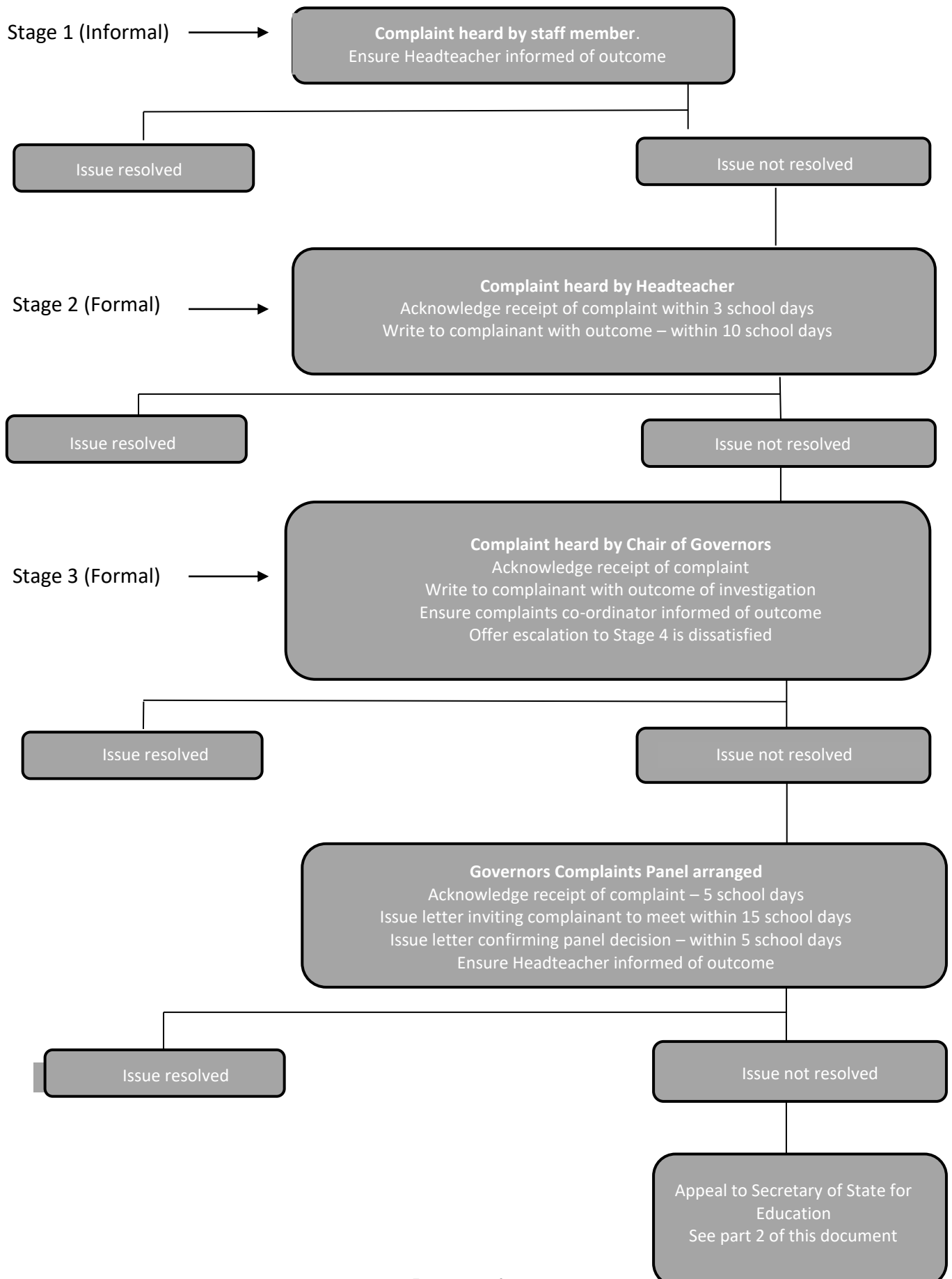
### **Checklist for a Panel Hearing**

Chadsgrove School Governors Panel will 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 parent carer is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the parent carer 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 parent carer may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The parent carer is 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.



## Flowchart



## Complaints Form

Please complete and return to Ms D Rattley (Headteacher) who will acknowledge receipt (within 3 school days) and explain what action will be taken.

Your Name: \_\_\_\_\_

Pupil's Name: \_\_\_\_\_

Your relationship to the pupil: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Daytime Telephone Number: \_\_\_\_\_

Evening Telephone Number: \_\_\_\_\_

Please give details of your complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What action, if any have you already taken to try and resolve your complaint. (Who did you speak to and what was the response?)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Are you attaching any paperwork? If so, please give details: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Office Use**

Date acknowledgement sent:
By Who:
Complaint referred to:
Date: