

Stratford-sub-Castle Church of England VC Primary School

Life in all its fullness

School Complaints **(Guidance for Schools and Governors) #5**

The *School Complaints (Guidance for Schools and Governors)* was reviewed during the Autumn Term 2018
This document is the result of that review.

DATE AGREED BY FULL GOVERNING BODY:	26/11/2018
REVIEW DATE:	November 2019
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SIGNED:	
TO BE READ IN CONJUNCTION WITH:	<i>Complaints (Informally Raising Concerns Flowchart)</i> <i>Formal Complaints</i> <i>Policy for Unreasonable or Vexatious Complaints</i> <i>Code of Conduct (for staff, supply and volunteers)</i> <i>Code of Conduct for School Governors</i> <i>Safeguarding Policy</i> <i>Whistleblowing Policy</i>

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School Complaints Guidance for Schools and Governors #5

The following information is intended as a guide for schools and governing boards and is based on Wiltshire Council guidance, which is based on the best practice guidance produced by the DfE (Department for Education).

The Law:

Section 29 of the Education Act 2002 requires that all Local Authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and that this will also apply to any community facilities or services that the school provides.

Formal complaints Procedure:

There are **3 stages** to the school complaints procedure:

- **Stage 1** – complaint heard by member of Senior Leadership Team (SLT) or the Headteacher (HT) or delegated to a member of staff (though not the subject of the complaint)
- **Stage 2** – complaint heard by member of SLT, HT or Chair of Governors (CoG) (but not the same person as involved in Stage 1)
- **Stage 3** - complaint heard by the board of Governors' complaints appeal panel – **but cannot involve any Governor involved in Stages 1 or 2.**

You should be clear about the difference between a **concern and a complaint**. Informal concerns, taken seriously at the earliest stage, will reduce the numbers that develop into formal complaints.

Concern – defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

Raising Concerns - informal and immediate addressing of issues, by a relevant staff member. To be completed within 3 months.

Complaint – defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases classroom teachers will receive the first approach and it would therefore be beneficial if staff were able to resolve issues on the spot, including apologising where necessary, so that concerns do not develop into formal complaints.

In other cases, where the complaint is about the school but not from a parent/carer, it will be the Headteacher that will receive an approach; again it is beneficial if they can resolve the issue.

Any complaints that are potentially child protection issues will automatically invoke the school's child protection procedures.

Formal procedures should only 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.

Anyone can make a complaint about any provision or services that the school provides.

Stage 1 – initial investigation by staff member – where dissatisfied progress to Stage 2 – to be completed within 20 working days.

Stage 2 - formal investigation by SLT, HT or CoG – where dissatisfied progress to Stage 3 – to be completed within 30 working days.

Stage 3 – formal appeal to a panel of Governors: this is the final stage of the school complaints procedure. To be completed within 30 working days. Where dissatisfied with the outcomes, the Complainant could contact the DfE.

Complaints about the Headteacher or the Governors:

Where a complaint regards the Headteacher, the Complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the Complainant is not satisfied with this outcome they should notify the clerk to the Governors. The Stage 2 process will then commence, but with the CoG as the named individual to hear the complaint.

Where a complaint regards a Governor, the same process applies as for the Headteacher. Where a complaint concerns the CoG, the individual should contact the clerk to the Governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The vice chair will mediate any proceedings.

Roles and Responsibilities:

The Complainant (the person making the complaint) will receive a more effective response to their complaint if they:

- Co-operate with the school in seeking a solution to the complaint
- Contacts the school as early as possible with the full details
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint
- Asks for assistance as needed
- Treats all those involved in the complaint with respect and in confidence

The Complaints Co-ordinator will:

- Ensure that the Complainant is fully updated at each stage of the procedure
- Make sure that all involved in the procedure will be aware of any legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000
- Liaise with any member of staff, the Headteacher, the CoG and Clerk to the Governors to make sure the complaints procedure is followed
- Keep records
- Be aware of issues regarding sharing 3rd party information and additional support such as an interpreter

The Investigator is the person involved at Stages 1 and 2 of the formal procedure. They will provide a comprehensive, open, transparent and fair consideration of the complaint through:

- A sensitive and thorough conversation with the Complainant to establish what has happened and who has been involved
- Consideration of records and any other relevant information
- The interview of staff and children/young people and any others relevant to the complaint
- Analysing any relevant information
- Liaison with the complaints co-ordinator to ascertain what the Complainant feels would put things right

- Identifying solutions and making recommendations in regard to actions to resolve the issues
- Being aware and mindful of the timescales within the procedure to responding
- Writing the outcomes to the Complainant in plain and clear language

The person undertaking the investigation will at all times conduct interviews with an open mind and be prepared to persist in the questioning and keeping notes of interviews (or arrange for an independent note-taker to record minutes of any meetings).

The Governors Appeal Panel Clerk (this could be the clerk to the Governors or the complaints co-ordinator) will be the contact point for the Complainant for the panel meeting and would:

- Set the date, time and venue of the hearing, making sure that dates and times are convenient to all parties and that the venue is accessible
- Collate any written material and make sure that all parties are in receipt of this in advance of the hearing
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Circulate minutes of the panel hearing
- Notify all parties of the decision of the panel
- Liaise with the complaints co-ordinator

The Appeal Panel Chair has a key role in making sure that:

- The meeting is minuted
- The remit of the panel is explained to the Complainant and that they and the school will have the opportunity of putting their case before the panel and to seek clarity
- The issues are addressed
- Key findings of fact are made
- Those unfamiliar with speaking at such hearings are put at ease
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy
- The layout of the room is informal and not adversarial
- The panel is open-minded and acts independently
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in any part of the procedure prior to the hearing
- Any written material has been seen by everyone attending the hearing
- Liaise with the clerk and complaints co-ordinator

Panel members will be aware that:

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so (no Governor will be allowed to form part of the panel if they have had prior involvement or knowledge in regard to the complaint and the circumstances around it)
- The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the Complainant (however it will be recognised that the outcome of the hearing might not always be to the satisfaction of the Complainant and it may only be possible to be in receipt of established facts and make recommendations that provide the Complainant with the assurance that their complaint has been taken seriously)
- Many Complainants may feel nervous and inhibited in a formal setting
- Extra care will need to be taken when the Complainant is a child/young person and present during the hearing

Managing and Recording Complaints:

Recording Complaints: It is useful to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting, or telephone call, a brief note of the conversation should be made to make sure that all parties have the same understanding of what was discussed and

agreed and a copy of any written response will be retained for the record. This will avoid any later challenge or disagreement over what was said. The progress of the complaint and the final outcome will be recorded and held centrally within the school (see Appendix 1 – to be used at Stage 1 and onwards). Complainants will have a right to copies of these records.

Review by the Appeal Panel of Governors: Complaints will not be shared with the full board of Governors except in general terms in case an appeal panel needs to be organised. If the whole board is made aware of the substance of a complaint, prior to the final stage being completed, an independent panel will be arranged to hear the complaint comprising of Governors from another school.

Complainants can request an independent panel if they believe there is likely to be bias in the proceedings and the board will consider the request but this decision will be made by the Governors.

As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to school improvement. The monitoring and review of complaints by the school and the governing body is a useful tool in evaluating the school's performance. You can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure making changes where necessary.

Complaint information shared with the whole governing body should not name individuals.

The procedure and policy should be reviewed by the board every 2 years.

Publicising the Procedure:

There is a legal requirement for the complaints procedure to be publicised. As a governing body you should include details of our procedure in:

- Information given to new parents when their children join the school;
- On the school website

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
- Consider interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conduct any interviews with an open mind
- Keep notes of any interviews

Resolving Complaints:

At each stage in the procedure you 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 of why an action was undertaken in a certain way
- 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

Complainants will be encouraged to state what actions they feel might resolve the problem. An admission that the school could have handled the situation better is not the same as an admission of negligence.

You will try to identify areas of agreement between the parties. You will also try to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Serious and Persistent Complainants:

If properly followed, the school complaints procedure is expected to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the Complainant remains dissatisfied. If the Complainant tries to reopen the same issue, the Chair of Governors will inform them in writing that the procedure has been completed/exhausted and that the matter is now closed.

If the Complainant contacts the school again about the same matter, and the Complainant has completed the procedure, the school will view the correspondence as 'serial' or 'persistent' and will not respond.

You should only take the decision to stop responding if:-

- We have taken every reasonable step to address a Complainant's needs
- The Complainant has been given a clear statement of the school's position and their options (if there are any)
- The Complainant is contacting the school repeatedly but making substantially the same points each time
- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience as confirmed in a letter, email or telephone call
- Letters, emails and telephone calls are often or always abusive or aggressive. If they include insulting personal comments about or threats towards staff then you would need to take appropriate action

There is a separate policy available for dealing with Unreasonable or Vexatious Complainants.

The Headteacher will use their discretion to choose not to investigate these unreasonable or vexatious complaints. Where they decide to take this course of action, they must inform the chair of Governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the chair of Governors deems it appropriate to, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from Stage 1 on this direction.

If the Chair of Governors upholds the Headteacher's decision not to look into the complaint and the Complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the Complainant may write to the Department for Education.

The Role of the DfE School Complaints Unit:

Once a Complainant has completed the school complaints procedure and if they remain dissatisfied, they have the right to refer their complaint to the Secretary of State (SoS). The SoS has a duty to consider all complaints raised but will only intervene where the board of Governors has acted unlawfully or unreasonably and where it is expedient or practical to do so.

It will be the School Complaints Unit (SCU) that will consider complaints relating to LA maintained schools on behalf of the SoS. They will look at whether the complaints policy and any other relevant statutory policies were adhered to. In addition they will look at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint; this is the responsibility of the school.

The SCU will not overturn a school's decision unless there are exceptional circumstances such as the school having acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with the school's procedure they may request that the complaint is looked at again, by the school.

If legislative or policy breaches are found, the SCU will report them to the school and the Complainant, and where necessary, ask for corrective action to be taken. A written assurance will also be required as to future conduct. A failure by the school to carry out remedial actions or provide written assurances could result in a formal direction being issued by the SoS.

Appendix 1

COMPLAINTS LOG

This is to be initiated by the person receiving the complaint and passed to others for completion as appropriate.

Name of Complainant	Address / Telephone Number	Received by	Date Received	Dealt With By
Nature of Complaint (brief details):				
Action Taken:				
Date Matter Closed:				

Please ensure you bring all complaints to the attention of the Headteacher.

When the procedure is concluded this form and all supporting evidence/documentation must be passed to the Administrative Officer for filing.