

HEATHERLEY PRIMARY SCHOOL



Complaints Policy Statement

September 2017

Policy Statement - Complaints Procedure

*Schools and all stakeholders need to be clear about the **difference between a concern and a complaint**. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

*The key messages in this policy deal with complaints 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. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

It is helpful for all parties if the school has a culture that deals positively with complaints. If the school views complaints as an opportunity for it to re-examine its systems and services through feedback to the complainant will be less stressful for all concerned. If however, the school becomes defensive, secretive or allows a 'blame culture' to develop, then complainants and staff will feel awkward and reluctant about dealing with difficult issues.

- All staff and governors should be aware of the school's philosophy and procedure for hearing a complaint making themselves familiar with this document which summarises guidance given in 'Listening to you: School Complaints – A Guide for Governors and Staff in Schools'.
- Serious allegations should be referred to the headteacher or designated complaints officer in the first instance.

Upon Receiving a Complaint

- Decide whether you are the right person to listen or direct to the appropriate person (see above).
- Remember, it is not helpful for complainants to have to rehearse their concerns several times over.
- Keep an open mind about the issue. If you feel that you have a conflict of interest that will impair your ability to act impartially then perhaps you are not the best person to deal with this particular complaint. Discuss this with the head or chair of governors.
- Initially it is important to listen to the issues being raised and resist passing judgement in any way. Make sure that you have a clear picture of what exactly the complainant is concerned about.
- When you have listened to the complainant tell them the procedures you will be following and give them a copy of these- ref to summary at end of policy. (*Check that this is not a complaint which falls outside of the normal procedures i.e. alleged child abuse or SEN*).

- Give the complainant a realistic idea of how long it will take you to investigate their concerns and agree a course of action. Give them a time when you will contact them again and keep them informed of progress or the reason for any delay.

Remember, think about privacy during discussion, take notes, think about risk of the complainant becoming aggressive.

Investigation of Complaints (and concerns)

- Agree a course of action (formal or informal), who will investigate? Who else needs to be involved – headteacher, governing body complaints officer, (LA/ Education Personnel -2011 no longer the case.) A mutual decision may be made with the complainant that the matter can be resolved through a more ‘informal’ route by an agreed course of action. This is fine but you still need to keep a note of what has been said and agreed. An informal approach may not always be possible in which case the governing body’s formal procedures should be followed. In either case complaint officers and complainants should be clear about whether the matter will be dealt with formally or informally.
- A complaints record is to be kept to enable Governors to monitor numbers of instances of complaints, **not concerns**.

And in both cases (Formal/informal) a written, dated record will need to be kept of the course of action agreed upon and the action taken.

- You may need to interview witnesses. If so you should establish procedures for this (*refer to guidance on obtaining witness statements*).
- A written and dated record of all concerns and subsequent conversations with the complainant should be kept by the complaints officer. When the matter is resolved all papers should be filed. (Litigation can arise months or years after the event!).
- Justice must be seen to be done by all concerned. This means making the complainant feel confident that you have taken them seriously and dealt with the matter in a professional and thorough way. Equally the subject of the complaint needs to be confident that they will receive a fair hearing. (*Refer to appendix-Resolving Complaints*)

Outcomes / Decisions

- It may be that the complainant is satisfied that concerns have been raised and addressed and no further action or reporting is needed.(Informal)
- On a more formal level the following needs to be considered:

Reaching your Decision

Once you have completed your investigation you will have to come to a decision about what action needs to be taken. **You should not discuss this with anyone who may be involved in a further appeal, should one be made.** You should consider the following:

- Has the complaint partially or wholly been upheld? If so what do you propose to do?
- Is there a need for disciplinary action, staff development or a change in the school's procedures? Who will take responsibility for this?
- How will you inform the complainant of the outcome of your investigation? How will you inform them of their right to appeal?
- How will you inform the governors of the complaint and its outcome?
- Do you need to inform the LA of the outcome? Do you need further assistance?
- Where will you file the detailed notes, statements etc that you made during this investigation? How long should the school retain them?

Dealing with Appeals about How Complaints Have Been Handled

At this stage governors are likely to become more actively involved as this usually develops into a complaint about the head teacher's decision or method of handling the complaint. If the head teacher has followed the governor's policy then it is unlikely that governors will need to recommend a different course of action. Nevertheless a representative of the governing body must check that things have been dealt with properly as part of the monitoring role and to demonstrate that 'justice has been served'. This should be a supportive process to head teachers who have acted professionally to try and resolve a difficult issue. More often than not the complainant is unhappy with the outcome not the process but they should still have a right to have their case reconsidered.

This is where the complaints governor becomes involved. This role involves them asking the following questions of the head teacher:

- What was the substance of the complaint? When was it made?
- Has each stage of the complaints procedure been followed?
- Who are the potential witnesses? Have they all been interviewed?
- How long had the process taken?
- Is the documentation complete?
- Are there any elements of the complaint that are valid? If so what action does the head teacher propose to take?
- When and how was the complainant notified of the outcome of the investigation?
- Has the head teacher any concerns about the way in which the investigation has been carried out?

Complaints governors are not expected to re-construct an investigation themselves. If this should be necessary and the head teacher is unable (not unwilling) to do so then advice should be sought from the LA. (?)

The complaints governor will then have to reach a decision as to whether or not the complaint has been taken seriously and been dealt with. **It is important that the complaints governor does not discuss this with any other governors at this stage.** If advice and support is required then the Local Education Officer (?) or the Governor Services Officer are available for further confidential discussion.

If the complaints governor believes that the matter has been dealt with properly and the outcome is fair then he/she should write to the complainant notifying them of this. If the complaints governor has any concerns about the outcome or the way in which the process has been conducted he should consider the following course of action:

- Request the head teacher to re-open the investigation and conduct a more thorough examination of the issues. The head should then report back to the complaints governor. The governor should agree with the head whether or not the outcome is different and should ensure that the complainant is informed
- If the governor feels that there has been a serious dereliction of duty on the part of the head teacher then the chair of governors will need to decide if disciplinary action is appropriate.

If after the complaint has been reconsidered the complainant is still unhappy with the process (rather than the outcome), they then have the right of appeal to a panel made up of governors who have had no previous involvement with the complaint. The chair of governors should convene the appeal panel of governors at the earliest opportunity. It will be the panel's job to decide whether (a) the complaint has been properly investigated and/or (b) whether the action taken was appropriate.

Before arriving at this decision the complainant and the head will separately present their views to the panel and the complaints governor will do likewise. The proceedings of this meeting should be minuted and retained as a confidential record for the governing body.

Any decision made by the complaints appeal governor or the appeal panel or the head teacher must be reported to the full governing body at its next meeting. Only brief details would be provided so as not to jeopardise any appeal hearing or disciplinary action.

The appeal panel should inform the complainant of his/her right to complain to the LA (?). If this happens the LA will have to investigate whether a fair, thorough and objective procedure had been carried out in relation to the complaint. After the LA's investigation, the complaint could be taken to the Secretary of State for Education and Employment. Neither the LA or Secretary of State can rehear the complaint; all they can do is ensure that the school had not acted unreasonably or illegally.

HEATHERLEY PRIMARY SCHOOL

Summary Statement - School Complaints Procedure

(to be given out as a matter of course to complainants)

Heatherley Primary School: Listening to Parents, Pupils and the Community

- We aim to make our school a happy, safe and caring place so that pupils may benefit from the best possible education. All of our staff, both teaching and non-teaching, are dedicated to this aim. If you think we are not living up to your expectations of us we want to know about it so that we may have the opportunity to put things right. We would also like to hear about the things you think we do well.
- If you do have a concern or a complaint, speak to your child's classteacher.
- If he / she cannot resolve the matter or you feel reluctant to speak to the classteacher you should then discuss with the headteacher.
- A course of action will be agreed upon to investigate concerns raised along with a realistic idea of time needed *(20 school day-though flexibility due to dates all parties available.)*
- You will be told the outcomes of the concerns raised.
- Most complaints will normally be resolved at this stage.
- If this is not possible, or your complaint is about the Headteacher or Governor, you should write to the Chair of Governors, at the school address, who is the school governor nominated for investigating complaints.
- You will be then be contacted to discuss your concerns and how to proceed with an investigation regarding the complaint. The Chair of Governors will write to you on behalf of the governing body with the outcomes of investigation.
- If you are still not satisfied you may appeal to a committee of the governing body which will listen to your complaint. This committee will be made up of governors who have not had any previous involvement with your complaint. You will be able to attend a meeting of the committee to put your case. The headteacher and the Chair of Governors will also attend to explain what they have done to investigate and resolve your concerns. The committee will write to you after listening to all parties and coming to their conclusion.

Note- At the time of review it is unknown where an unresolved complaint should be directed due to changes in the Government and LA structures. Previously:

- If you are still not satisfied then you may complain to the Local Authority. The LA only has powers to investigate complaints about the curriculum, religious education and collective worship, the school's

charging policy and the provision of information required by law. For other complaints the LA will investigate whether the school's investigation was carried out properly, but will not re-hear the complaint. After the LA has carried out its investigation it will write to you. In the very rare case that you remain dissatisfied you may pursue your complaint with the Secretary of State for Education for Employment. The Local Government Ombudsman is not able to consider complaints about schools, except where they relate to the admission of pupils.

FGP&P Committee – October 2013

Appendix

Resolving Complaints- DfES 2003

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.