St Breward Primary School Complaints Policy

January 2017

CONTENTS

1.0 Policy Statement	3
2.0 What constitutes a complaint in our procedure?	3
3.0 Why have we adopted a general complaints procedure?	3
4.0 The policy's guiding principles	4
5.0 Our procedure for handling complaints	4
5.1 Response standards	4
5.2 Stage one: Informal concerns	5
5.3 Stage two: Formal complaints	5
5.4 Stage three: Review	7
6.0 Complaints against Chairs of Governors	8
6.1 Complaints against Governors	8
7.0 Additional Points	8
Appendix A: Form for making a formal complaint	9
Appendix B: Guidance for Chairs of Governors/Officers conducting complaints investigations	10
Appendix C: Template for written response to complaint at Stage two	12
Appendix D: Other guidance available	13

1.0 Policy Statement

OtterhamPrimary School is committed to developing a strong sense of partnership with parents/carers and other members of the local community. This provides a good basis for understanding and resolution when things appear to go wrong.

This policy describes the procedure to be followed when complaints are made by parents/carers and others about the conduct of the school or the actions of any member of staff or Governing Body. It is in line with the recommendations in the DfES guidance *School Complaints Procedures*, 2003.

The procedure excludes complaints relating to the School's delivery of the National Curriculum. The procedure for curriculum complaints is summarised in the leaflet *Complaints about the School Curriculum*, which has been written specifically for governors and parents/carers. Copies of this are available to parents/carers and governors from the School or the County Council.

2.0 WHAT CONSTITUTES A COMPLAINT IN OUR PROCEDURE?

We accept the Local Government Ombudsman's definition of a complaint, which when applied to a school, covers the following areas:

"A complaint is an expression of dissatisfaction …… about the standard of service, actions, or lack of actions, by a school or its staff affecting an individual or a group."

Members of the public, parents/carers and pupils/students may legitimately express dissatisfaction about aspects of our work.

3.0 WHY HAVE WE ADOPTED A GENERAL COMPLAINTS PROCEDURE?

All maintained schools are required to have in place a complaints procedure. We hope that ours will help to ensure that most concerns/complaints are resolved quickly and smoothly and as close to the source of the misunderstanding or problem as possible. In this way complainants can feel assured from the outset of a fair hearing, in line with a defined procedure for dealing with issues that have not immediately been resolved. We also hope that a staged framework, together with an opportunity for mediation/conciliation where possible, might prevent an early and unnecessary escalation of the problem. In addition, by reviewing lessons learned from the investigation of complaints we hope to improve the school's policy and practice.

4.0 THE POLICY'S GUIDING PRINCIPLES

Our Complaints Procedure:

- Is simple to understand and use, with straightforward, well- publicised stages;
- Encourages resolution of problems by informal means wherever possible;
- Provides opportunity/opportunities for mediation/conciliation where possible;
- Is easily accessible and publicised, with complainants knowing exactly where, how and to whom they should complain;
- Enables swift handling within established time-limits, with complaints being dealt with promptly, effectively and professionally within stated time limits at as early a stage as possible and with complainants being kept informed of progress;
- Enables effective action – with action being agreed and reviewed and complainants being kept informed of progress throughout each stage of the procedure;

- Is impartial, ensuring a full and fair investigation by an independent person where necessary, with an assurance that, beyond the first informal stage response to a concern raised against an individual, the subject of the complaint will not deal with it but will instead refer it to his or her manager or Chair of Governors as appropriate;
- Is non-adversarial, with opportunities provided for resolution without conflict;
- Is confidential, with respect for people's desire for confidentiality;
- Addresses all the points at issue, with provision of an effective response
- Provides information and enables development, providing information, where appropriate, to the school's SeniorLeadership Team/Governing Body and giving opportunities for the School to consider changes to current practice on the basis of what complainants are saying.

Those involved in the complaints process will ensure that it takes place in the context of the requirements of Child Protection, Special Educational Needs, employment legislation and other relevant procedures.

5.0 OUR PROCEDURE FOR HANDLING COMPLAINTS

5.1 RESPONSE STANDARDS

We believe that most concerns/complaints can be resolved satisfactorily by informal discussion either over the telephone or through a meeting involving the key people involved.

In the case of a lengthy investigation complainants will be kept informed of progress.

The main aim throughout the procedure is to resolve the matter as quickly and effectively as possible, to everybody's satisfaction.

5.2 STAGE ONE: INFORMAL CONCERNS

- Parents/carers and others should raise concerns with the child's class teacher in the first instance.
- If a parent believes that the complaint or concern is serious or sensitive s/he should talk to the Headteacher who will investigate, and then report back either in writing or, more usually at this informal stage, through a discussion with the complainant.
- All colleagues involved in informal concerns will keep written records, and will record the date on which the informal concern was raised.
- Every effort will always be made to resolve the problem at this informal stage, including, possibly, the offer of a conciliation meeting.
- Complainants who remain dissatisfied at this stage will be informed that they have the opportunity to make a formal complaint.
- Individual complaints will not, at any stage, be heard by, or referred to, the whole Governing Body, as this could compromise the impartiality of any appeal or any disciplinary hearing against a member of staff following a serious complaint.

5.3 STAGE TWO: FORMAL COMPLAINTS

- When they express an interest in making a formal complaint, parents/carers will be given a copy of the complaints leaflet and reminded of the ten school working day time limits included in the process.
- Formal complaints should be made in writing, should state clearly that a formal complaint is being made and will normally be investigated, in the first instance, by the Headteacher who will provide a response.
- If a complainant may have difficulties in the writing of a formal complaint, s/he will be referred to Cornwall Council 01872 323164 for assistance.

- Although parents are encouraged to raise any concerns/complaints with the relevant school staff, we recognise that parents may, on occasion, bring their complaint to the attention of the County Council, by telephoning, or writing to Children, Families and Adults Complaints FREEPOST RRZJ-EUSJ-EGKL Children, Families and Adults Complaints, Cornwall Council, County Hall, Truro TR1 3AY . In such cases, school staff will liaise with an officer in order to resolve the problem through the School's Complaints Procedure.
- If the complaint directly concerns the Headteacher, complainants are asked to contact, in writing as above, the Chair of Governors, who will investigate the complaint.
- Any other governors in receipt of complaints will refer them to the Headteacher or the Chair of Governors, as appropriate, and will not, themselves, become further involved.
- If the complainant is dissatisfied with the Headteacher's response, s/he should contact the Chair of Governors via the School Office.
- The Chair of Governors will determine a method of further investigation and provide a formal response to the complainant using the template in Appendix C.
- If the Headteacher/Chair of Governors considers that the complaint is complex--for example, if it contains many different elements, or may have a legal dimension--s/he will refer it to the school's appropriate officer for possible support, eg School Improvement Partner
- If the Chair of Governors feels that it would not be appropriate for him/her to investigate the complaint, s/he may delegate the Vice-Chair of the Governing Body or another governor to carry out the task and report confidentially to him/her. In exceptional circumstances the Chair of Governors might request that an Education Welfare Officer carry out the investigation. The complainant will receive a written response to his/her complaint using the template in Appendix C. A meeting may also be arranged.
- If an Education Welfare Officer has carried out an investigation on behalf of the Chair of Governors, s/he will report in writing confidentially to the Chair of Governors using the template in Appendix C. The Chair will normally share the whole response with the complainant, bearing in mind data protection requirements.
- If an Education Welfare Officer has carried out an investigation on behalf of the Chair of Governors, the Chair will share his/her response to the complainant with that officer and will inform him/her a) when the complainant has been contacted and b) of the outcome.
- Individuals investigating complaints will not visit complainants' homes. Alternative venues will be agreed.
- A written response following a formal complaint will be checked to ensure its factual accuracy and appropriateness before it is made available to the complainant.
- In some cases, a complaint may lead to disciplinary action against an individual, for which there are separate procedures. If this is the case the complainant will be informed that the complaint will be pursued through disciplinary action. Under the Governing Body's disciplinary procedures, the outcome of these procedures is confidential.
- We will investigate a complaint and aim to respond within ten working school days. If we cannot provide a full response within ten working school days then we will write to the complainant explaining this and giving a date by which we will endeavour to provide a full response.
- When receiving the results of an investigation into a formal complaint carried out by/on behalf of the Chair of Governors, complainants should be informed of their right to request a review by a Panel of the Governing Body and reminded that the time limit for requesting a review hearing is ten working school days from the date of receiving feedback from the investigation.

5.4 STAGE THREE: REVIEW

- If complainants are not satisfied with our response, they may ask for the complaint to be reviewed by a Grievance Panel/Hearings Committee of the Governing Body. The school

will seek guidance on this process from an Education Officer. This panel will be composed of at least three members of the School's Governing Body who have no connection with the issues under review. The Committee will decide if the complaint has merit by reviewing the written information and any written submissions provided by any party, and will make any recommendations it feels appropriate to enable resolution of the matter. The outcomes of this panel review will be communicated in writing to both sides by the Chair of the Panel within ten working school days of the review, with reasons for the outcomes.

- The proposed date for the Panel to provide a response following the Review should normally be communicated to the complainant within ten working school days of receipt of the request for the Review.
- Under this complaints procedure there is no provision for further appeal beyond Stage Three.
- If, at any point, the complainant, having exhausted the complaints procedure, attempts to re-open the same complaint, s/he will be informed in writing that the procedure has been exhausted and that the matter is now closed.
- If, at any point, a complainant requests to proceed to the next stage of the complaints procedure at a time past the ten working school day time limit, s/he will normally be told in writing that the complaint has expired and is closed.
- If a complainant makes a series of unreasonable complaints or makes unreasonable attempts to re-open complaints that have been closed appropriately through the School's Complaints Procedure, the School will consider invoking its Persistent Complaints/Harassment Policy.

6.0 COMPLAINTS AGAINST CHAIRS OF GOVERNORS

- In the event of a formal complaint being made against the Chair of Governors, the complaint will be reviewed by a Grievance Panel/Hearings Committee of the Governing Body. The school should seek guidance on this process from an Education Officer. The Committee will decide if the complaint has merit by reviewing the written information and will make any recommendations it feels appropriate to enable resolution of the matter. The outcomes will be communicated in writing within ten working school days to both sides by the Chair of the Panel, with reasons for the outcomes given.
- The Review should normally take place within ten working school days of receipt of the request. If this is not possible, the complainant will be informed of the review date.
- Under this complaints procedure there is no further stage for a complaint against the Chair of Governors.

6.1 COMPLAINTS AGAINST GOVERNORS

- A formal complaint against a governor other than the Chair should be referred to the Chair, who will investigate and then decide on any appropriate action. In extreme cases this might include making a recommendation to the Governing Body about possible suspension (See *A Governor's Guide to the Law*).

7.0 ADDITIONAL POINTS

- Whilst the formal Complaints Procedure is in process, efforts will be made, where possible, to resolve the issues by the use of negotiation/conciliation/mediation outside of the Complaints Procedure itself, on the understanding that any such process will not, in any way, affect the rights of any individual within the Complaints Procedure.
- Reports will be made to the Governing Body on the number/nature of formal complaints lodged, but only after such complaints are fully closed.
- This policy will be evaluated on an annual basis.

APPENDIX A

FORM FOR MAKING A FORMAL COMPLAINT

FORMAL COMPLAINT
St Breward C P School
YOUR NAME (PLEASE USE BLOCK CAPITALS)
Address (BLOCK CAPITALS)
Contact details: **Telephone** **Mobile 'phone** **e-mail**
I wish to make a formal complaint against …….. **The School's complaints procedure has been explained to me. I give permission for my complaint to be copied to the people I am complaining about.** **DETAILS OF YOUR COMPLAINT: (please be as specific as possible. Continue on another sheet if necessary)**
Signed: **Date:**

APPENDIX B

GUIDANCE FOR CHAIRS OF GOVERNORS/OFFICERS CONDUCTING COMPLAINTS INVESTIGATIONS

1) Many complaints are detailed and complex. It is recommended that the complainant be interviewed as the first step of the investigation. This interview could take place by telephone. The objects will be a) to enable the complainant to clarify the nature of the complaint and what remains unresolved, b) to enable the complainant to explain details and c) to enable the investigator to clarify/separate issues. The separation of individual issues should enable each area to be addressed separately and appropriately.

2) During this interview, the investigator should a) ask the complainant what would bring closure to the issue for him/her; b) clarify exactly what the possible outcomes of the complaints procedure could, and could not, be; c) inform the complainant of the expected timescale for the whole process; d) conduct the interview with an open mind and be prepared to persist in the questioning; e) keep notes of the interview.

3) At the end of this interview, the investigator should agree in writing with the complainant the issues that have been raised in the complaint. It is recommended that the investigator ask the complainant to sign to confirm/amend the document.

4) The investigator should ask the complainant to confirm in writing that the written complaint may be copied to those about whom the complaint has been made, bearing in mind any relevant issues of confidentiality.

5) If an officer or another governor is carrying out the investigation, s/he should inform the Chair of Governors of the expected timescale.

6) The investigator should carry out the inquiry as quickly as possible, keeping written, dated records of interviews and other processes. Those involved in the matter, and those complained of, should be interviewed. All involved should be allowed to be accompanied if they wish.

7) All parties involved in the complaint should be kept informed of progress.

8) If the complaint is against a member of staff, Headteacher or Care and Learning Centre Manager, the investigator should interview him/her as soon as possible after the interview with the complainant.

9) An initial response should be provided to the complainant within ten working school days of the receipt of the complaint. If it is not possible to provide a full written response by that time, the investigator should write to the complainant explaining this and giving a date by which s/he will endeavour to provide a full response.

10) If undertaking the inquiry on behalf of the Chair of Governors, the investigator should respond confidentially in writing to the Chair and discuss the most appropriate method of sharing the results with the complainant.

11) The investigator should bear in mind data protection requirements and ensure that individuals are not named in the response or identified in any other way.

12) The investigator should consider making positive recommendations.

13) The written response should be in the format required by Cornwall Council's Complaints Procedure (see Appendix C).

14) It is essential that the written response be checked for factual accuracy and appropriateness before it is made available to the complainant.

15) Normally, the entire response should be shared with the complainant. If the investigation leads to recommendations of any disciplinary procedures, no details of these may be given to the complainant. No personal information about a third party can be disclosed without that person's consent.

16) Sometimes the initial sharing of the response is best achieved in a meeting with the complainant. If an Education Officer or other officer has carried out the investigation, s/he will make every effort to be available for this meeting if requested by both sides. Sometimes the more appropriate time for a meeting is a short period after the complainant has received the report. On most occasions, no such meeting will be necessary at all.

17) It is recommended that investigators do not visit complainants' homes, and that suitable alternative venues be agreed.

APPENDIX C

TEMPLATE FOR WRITTEN RESPONSE TO COMPLAINT AT STAGE 2 (by Headteacher/Deputy Headteacher/Chair of Governors)

Dear XXXX,

Thank you for your letter of XXXX

Your complaint is being handled via the School's 3-stage complaints procedure and has been forwarded to me to investigate at stage 2. I have now concluded my investigation and my findings are outlined below:

Your complaint:

The following is an overview of your complaint:

Please find a history of correspondence between you and the School on this matter attached as Appendix A.

My investigation:

I have investigated your complaint by:

- ❑
- ❑
- ❑

I found the following:

- ❑
- ❑
- ❑

Further action:

- ❑
- ❑
- ❑

I hope this brings your complaint to a satisfactory conclusion. If you are not satisfied with this response, you have the right to progress to stage 3 of our complaints procedure. This would involve a review by a panel of governors of the written information concerning the complaint, together with any written submissions. The Chair of the Panel would then respond within ten working school days. If you would like such a review, you should contact the Chair of Governors within ten working school days of receiving this letter.

Thank you for the time you have taken in conveying your concerns to the School. We value your comments.

Yours sincerely,
XXXX