

# **Broadacre Primary School**



## **Complaints Procedure**

**Spring 2017**

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## Overview

1. From 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England 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 and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.
2. The majority of schools already have a complaints procedure in place, generally based on Local Education Authority (LEA) or Diocesan Board models. This document is intended to help schools draw up a complaints procedure if they have not already done so, or to review their existing procedure if they wish. A framework of principles can be found at paragraph 8. LEAs are already required to set up a procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school. The GB's complaints procedure does not replace the arrangements made for those types of complaint. In addition, there are certain complaints which fall outside the remit of the GB's complaints procedure, for example, staff grievances or disciplinary procedures. ***The complaints procedure is a forum for dealing with parental complaints e.g instances of bullying, comments made by teachers to pupils/parents, wearing of jewellery, pupils running out of school etc.*** It is recommended that the governing body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities [even if it's hiring it out for a wedding reception!], have their own complaints procedure in place.
3. When schools draw up their procedure it is recommended that local teacher associations and LEAs be involved. An example of a procedure, which schools might find helpful, is at Annex B.

This note does not represent Statutory Guidance issued by the Secretary of State.

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Web link to Act – <http://www.legislation.hmsso.gov.uk/acts/acts2002/20032--f.htm#29>

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## Part 1: General Principles of complaints

### Dealing with Complaints – Initial concerns

4. Schools 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.
5. These key messages 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.

### Dealing with Complaints – Formal procedures

6. The formal procedures will need to 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.
7. Schools might wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'complaints co-ordinator'. In smaller schools this may often be the headteacher.

### Framework of Principles

8. An effective Complaints Procedure 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 senior management team so that services can be improved.

## Investigating Complaints

9. It is suggested that at each stage, the person investigating the complaint, makes sure 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

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.
11. It would be useful if complainants were encouraged 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.
12. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## Vexatious Complaints

13. If properly followed, a good 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 GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## Time-Limits

14. Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have 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.

## Part 2: The Formal Complaints Procedure

### The Stages of Complaints

15. An efficient school complaints procedure will have well-defined stages. A flow chart of suggested stages can be found in Annex C. At each stage it would be helpful to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the headteacher after a meeting with the complainant. Both of these examples could be included.
16. Three school-based stages are likely to be sufficient for most schools:
  - Stage one: concern heard by staff member (though not the subject of the complaint);
  - Stage two: complaint heard by headteacher;
  - Stage three: complaint heard by GB's complaints committee;

In very small schools it may be necessary to go straight to stage 2.

17. Regardless of how many stages the school chooses, an unsatisfied complainant can always take a complaint to the next stage. Some procedures may allow for an additional stage if the LEA, Diocese Body (DB) or other external agency provides an independent appeal or review.
18. An effective procedure will specify how a complaint will be dealt with if it concerns the conduct of the headteacher or a governor or where a headteacher or governor has been involved in the issue previously.
19. An example of a complaints procedure can be found in Annex B.

## Part 3 – Managing and Recording Complaints

### Recording Complaints

20. It would be useful for schools to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Annex D. 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.
21. The complaints co-ordinator (if one has been appointed) could be responsible for the records and hold them centrally.

### Governing Body Review

22. The GB can 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. Preferably, complaints information shared with the whole GB will not name individuals.
23. As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB can be a useful tool in evaluating a school's performance.

### Publicising the Procedure

24. There is a legal requirement for the Complaints Procedures to be publicised. It is up to the GB to decide how to fulfil this requirement but details of the Complaints Procedures could be included in:
  - the school prospectus;
  - the governors' report to parents;
  - the information given to new parents when their children join the school;
  - the information given to the children themselves;
  - the home-school agreement;
  - home school bulletins or newsletters;
  - documents supplied to community users including course information or letting agreements;
  - a specific complaints leaflet which includes a form on which a complaint can be made;
  - posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;
  - the school website.

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 falling 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 special school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;



## KINGSTON UPON HULL CITY COUNCIL

### SCHOOL'S COMPLAINTS PROCEDURE Broadacre Primary School

#### Introduction

It is in everyone's interest that complaints are resolved at the earliest possible stage. **Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.** In most cases the class teacher will receive the first approach and it would be helpful if issues were resolved as soon as practicable.

**The complaints procedure is a forum for dealing with parental complaints e.g. instances of bullying, comments made by teachers to pupils/parents, wearing of jewellery, pupils running out of school, environmental issues, health and safety issues etc.**

It should be remembered, however, that certain complaints will fall outside the remit of the governing body's complaints procedure, for example, staff grievances, disciplinary procedures and curriculum issues which are already dealt with in accordance with separate procedures.

In the event of the formal complaints procedure being implemented the member of staff concerned may be represented by a friend or trade union representative.

Some schools may wish to nominate a member of staff as Complaints Co-ordinator, whose role is to co-ordinate investigations and maintain records of the complaints and any outcomes.

#### **Stage One: Preliminary Stage (Informal) - Concern Heard by Staff Member**

The experience of the first contact between the complainant and the school can be crucial in determining whether the concern will escalate into a formal complaint. It is the responsibility of the governing body to ensure that staff are made aware of the procedures and they know what to do when they receive a complaint.

In the first instance the complainant must raise the concern to the appropriate member of staff. **Where the concern is about the headteacher, the complainant should refer the matter to the chair of governors who may decide to involve the LEA at a later stage.**

In exceptional circumstances, if the member of staff directly involved feels unable to deal with the concern, the headteacher may nominate another member of staff to investigate. The ability to consider the concern objectively and impartially is crucial.

Where the first approach is made to a governor, the governor must refer the complainant to the appropriate person and advise them about the procedure. It is important that all stages of the complaints procedure are followed.

## **Stage Two: Complaint Heard by Headteacher**

In the event of the complainant not being satisfied regarding the outcome of Stage One, they may refer the complaint to the headteacher. At this stage the complainant must submit written notice of the complaint to the headteacher – Annex D, Complaint Form. The headteacher will then forward a copy of the complaint to the member of staff concerned.

The headteacher will investigate the complaint and will decide the most appropriate action to be taken. This could include, for example, an apology or a review of a policy. At this stage, it may be appropriate for the headteacher to refer the investigation of the complaint under a different procedure e.g. where the conduct of the member of staff is in question the disciplinary procedure should be followed.

The headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

The headteacher will be responsible for writing to the complainant to inform them of the outcome of the investigation and, if the complainant is not satisfied at this stage, their right for the complaint to be referred to the Complaints Committee.

## **Stage Three: Complaint Heard by the Governing Body's Complaints Committee**

The complainant needs to submit another complaint form (Annex E), which should be updated in light of the headteacher's decision, to the Chair of Governors. The Chair, or a nominated governor, will convene a meeting of the governing body's Complaints Committee. At this meeting the complainant may attend to present their case, with a friend/relative in a supporting role if requested. The headteacher will also be in attendance to explain their decision regarding the complaint and the school's actions. Witnesses may be called by either party. An LEA representative may attend in an advisory capacity.

(A procedure for conducting the meeting is enclosed as Annex F).

The Committee may decide the following:-

- 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.

The governors' hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints must 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 e.g. where the Committee believes that the headteacher has not taken appropriate action.

## **Notification of the Complaints Committee's Decision**

The chair of the committee needs to ensure that the complainant is notified of the decision, in writing, within 2 working days. There is no further right of appeal.

## Further Notes for Guidance

There are several points which any governor sitting on the complaints committee needs to remember:

- a. It is important that the hearing is independent and impartial and that it is seen to be so. No governor may sit on the committee 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, which needs 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 that 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 committee 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 committee 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 committee 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 committee need to be aware of the complaints procedure.

### **Roles and Responsibilities**

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

The Clerk to the Committee 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; and
- notify all parties of the committee's decision.

#### **The Role of the Chair of the Governing Body**

The Chair's role is to:

- check that the correct procedure has been followed; and
- if a hearing is appropriate, notify the clerk to arrange a meeting of the Complaints Committee.

## The Role of the Chair of the Complaints Committee

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

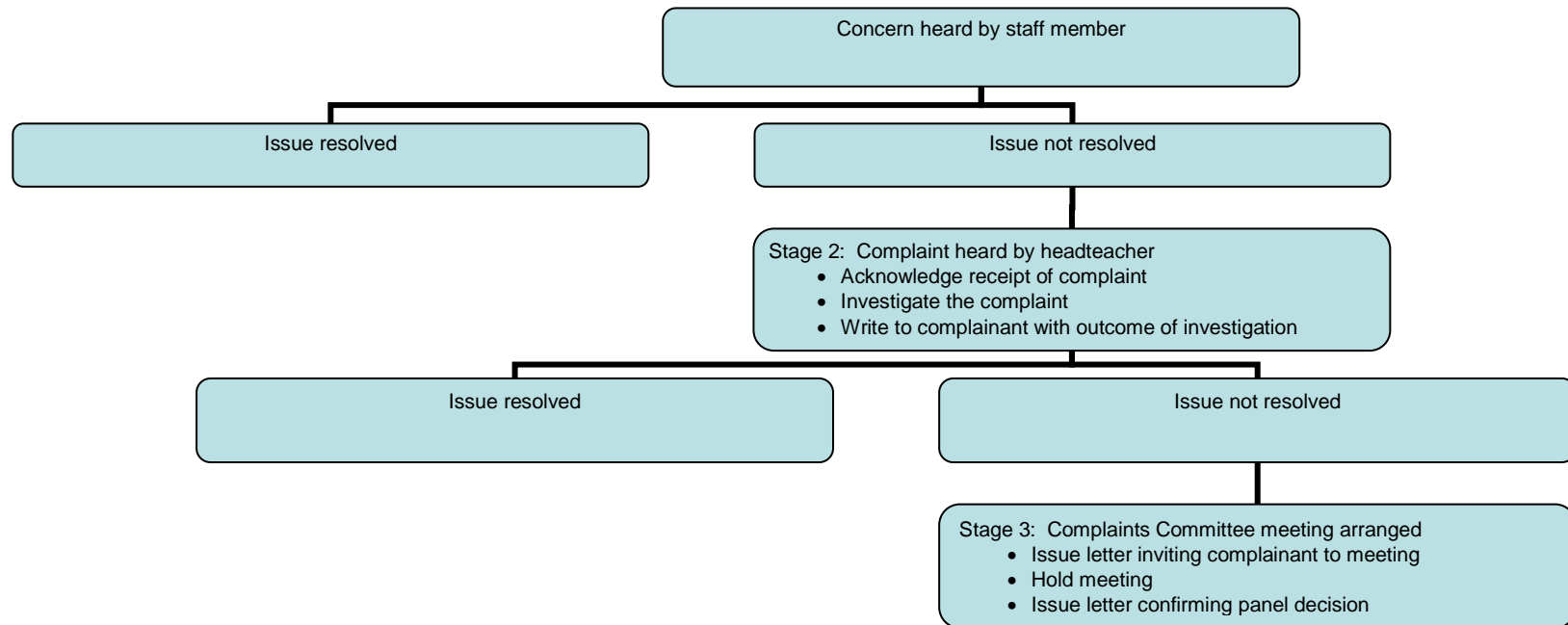
- the remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the Committee is open minded and acting independently;
- no member of the Committee 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; and
- written material, **circulated with notice of the meeting**, 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.

# School Complaints Procedure

Annex C

## Flowchart

### Summary of Dealing with Complaints



**Complaint form**

**Please complete and return to the Headteacher in the first instance, who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time 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?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

**(Should you not be satisfied with the outcome of the headteacher's investigation, you will be asked to submit a revised copy of this form to the Chair of the Governing Body).**

**Complaint form to the Governing Body**

**Please complete and return to the Chair of Governors who will acknowledge receipt and arrange a meeting of the Complaints Committee.**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time 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?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

# **School Complaints Procedure**

## **Annex F**

### **Procedure for Hearing Complaints by the Complaints Committee of the Governing Body**

1. Introduction by the Chair of the Committee and a reminder to all present of:
  - a) the Complaints Procedure under which the meeting has been called;
  - b) the manner in which the meeting will be conducted as set out below in paragraphs 1-12;
  - c) the degree of confidentiality;
  - d) those present and the purpose of the hearing; and
  - e) the supporting evidence.
2. Presentation by the complainant, including evidence from witnesses (where appropriate). When witnesses have given evidence and answered all questions put to them, they should leave the room.
3. Questions by the governors and the headteacher (or nominated person) on the evidence.

Presentation by the headteacher (or nominated person) to the committee, including evidence from witnesses (where appropriate), to explain the school's actions. When witnesses have given evidence and answered all questions put to them, they should leave the room.
4. Questions by the governors and the complainant on the evidence.
5. Opportunity for the complainant to make a final statement and/or sum up their complaint.
6. Opportunity for the headteacher (or nominated person) to make a final statement and/or sum up the school's actions and response to the complaint.
7. Withdrawal by the complainant and the headteacher (or nominated person) whilst the committee considers the matter.
8. Consideration of the matter by the committee. In the event that further information or clarification is needed from any of the persons who have left the meeting then all such persons should return to the meeting when such information is obtained. An opportunity should be given to each party to question or comment upon this additional information.
9. If there is no clear view about the facts presented by both parties, i.e. they are disputed, the governors should decide on the balance of probability what version of the facts they accept.
10. If any new facts emerge during either presentation, the governing body should decide whether further investigation is required and, if so, adjourn the hearing and reconvene when the investigation is completed.

## **School Complaints Procedure**

- 11. Before reaching a decision the governors should consider:**
  - a) all the information presented by both parties;**
  - b) any mitigating circumstances; and**
  - c) any decision must be reasonable and fair.**
  
- 12. Recall of parties concerned to hear the decision of the committee orally (if appropriate and practical).**

**The Chair of the Complaints Committee should clearly inform the complainant of the decision.**
  
- 13. Confirmation of the decision of the committee should be sent in writing to all parties concerned by the Clerk to the Committee**

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(govs/archive/complaints procedure.doc)