



St Peter's C of E Primary School

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Complaints Policy and Procedure

Reviewed: January 2017

Next Review: January 2018

5.1. Pupils too may wish to express a concern where they feel they have been treated unfairly. They should be encouraged to speak to an appropriate adult who should investigate the concern and seek to resolve the matter informally. Should the investigation raise serious issues, these should be dealt with through the appropriate channels.

5.2. Visitors to the school may make verbal complaints or allegations. These should be investigated as with parental complaints and the complainant responded to, while maintaining confidentiality. If a governor, or member of staff, receives a written complaint these must be forwarded to the head Teacher.

5.3. Matters that are not covered by this policy

The following concerns and complaints cannot be considered under this policy. There are separate policies and procedures that deal with them.

1. staff capability and/or disciplinary issues
2. admissions to schools
3. special education provision
4. curriculum and religious worship (section 409 of the Education Act 1996)
5. curriculum at Pupil Referral units
6. pupil exclusion from school
7. school reorganisation proposals
8. those that are the subject of legal proceedings, or have been so
9. those being considered by the Secretary of State under statutory power
10. when it is more than three months since the incident complained of is raised for the first time, unless it forms part of an existing concern or complaint under investigation
11. when it is more than three months since a staff member complained of left the employment of the school, except under the most exceptional circumstances

Complaints from members of staff will not be dealt with under this policy. Staff must use the Grievance policy instead, a copy of which will be provided by the Head Teacher, on request.

6. Managing Complaints

6.1. Principles

This Policy will:

- (a) Encourage resolution of problems by informal means wherever possible;
- (b) Be easily accessible, well publicised and easy to understand and use;
- (c) Allow the individual being complained against equal rights with the person making the complaint;
- (d) Be non-adversarial;
- (e) Ensure that a full and fair investigation takes place as appropriate;
- (f) Allow for speedy handling of the complaint, with established time limits for each stage of the procedure;
- (g) Respect confidentiality at all times;
- (h) Provide clear assurances that there will never be any victimisation of pupils as the result of a parental complaint;

- (l) allow for meetings with complainants to be minuted, if possible, by a third party;
- (j) Ensure all parties are kept informed of progress;
- (k) address all the points raised in the complaint and, where applicable, provide appropriate redress and/or information about any positive changes which have resulted from discussion of the complaint, e.g., change in policy/procedures
- (l) Ensure consistency of action by all handling complaints;
- (m) Ensure that complaints are monitored by governors to ensure that the procedure is working effectively.

6.2. Complaints against members of staff

If members of staff are complained against, they should be fully informed of the content of the complaint. Members of staff should always be given an opportunity to explain their actions and be advised that they may have a friend, or union representative, present during any part of the process. The member of staff should provide a written statement in response to the complaint.

6.3. Complaints about the Head Teacher

Complaints about the Head Teacher should be sent to the chair of the governing body, which will investigate the matter, or name an alternative governor to investigate the matter.

Where a complaint has taken on a personal aspect and is unresolved before a governors' hearing, in exceptional circumstances, it may be advisable for the governors' panel to hear each side's evidence separately.

7. Child protection

For any complaint that involves a potential child protection issue local authority procedures must be followed and the appropriate officer at the LA must be contacted immediately and any investigation must wait until the LA procedure has been completed.

8. Time-limits

Complaints should be dealt with as quickly as possible. Realistic time-limits should be set for each stage of the process and these may differ according to the complexity of the issue concerned. The time-limits provided in these guidelines are only for guidance, they are not a statutory requirement. If the governing body feels that it would be better to allocate shorter or longer periods at various stages, it is free to decide to do so, but must inform the complainant of any change and the reasons for it. However, it should be noted that parental satisfaction is sometimes proportionate to the time taken; an acknowledgement of the complaint should not take longer than two school days.

Investigations should be carried out as close to the day of an incident as possible. It is difficult to carry out a reliable investigation of an incident or problem if more than a few days have elapsed. Parents should be urged to raise any concerns as soon as possible.

9. Pupils as Witnesses

Only in exceptional circumstances would pupils be interviewed, i.e. where there are no adult witnesses and the matter is sufficiently serious to warrant it. The Head Teacher is advised to seek parental consent before any interview with a child where they are being asked to clarify facts concerning a parental complaint. Children should be accompanied by a responsible adult where the parent has given permission for the interview but is not present. The Head Teacher should ensure that pupils do not participate in any

discussion where they might witness confrontation between adults. Where there may be a child protection issue see point 7 above.

10. Complaint form

St Peter's Primary School has a complaint form to be used by parents wishing to make a complaint. (See Appendix B) This enables the school to be more systematic in the way it handles and monitors complaints. It may also be helpful for parents who might find it difficult to frame a letter.

11. Anonymous complaints

Anonymous complaints may come from parents, pupils or members of the public; they should be considered as they may relate to something serious. The handling of such complaints should be left to the Head Teacher or chair's discretion to decide whether the gravity of an anonymous complaint justifies investigation. If the Head Teacher, or chair of governors, believes there could be any substance to the complaint they should investigate the matter and record the results of the investigation on file. This will provide evidence that the school took the matter seriously.

12. Vexatious complaints

Should a complainant try to re-open a complaint on the same issues the chair of governors should write informing them that the procedure has been exhausted and that the matter is now closed. Where a complainant continues to be dissatisfied, even after the above measures have been taken, it may be advisable to ask for an officer from the Diocesan Board, or LA, to be present at a meeting. Where matters escalate despite the complaints procedure being followed and there is prolific correspondence, or excessive e-mail, or telephone contact about a concern or complaint, the school needs to make clear to the complainant that this is not acceptable. In these circumstances the school may: inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, is therefore being treated as a vexatious complaint;

- inform the complainant that any meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
- inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only;
- (in the case of physical, or verbal aggression) take advice from LA or Diocesan Board and consider warning the complainant about being banned from the school site;
- consider taking advice about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Head Teacher, but only with a third person to be identified by the governing body of the school, who will investigate, determine whether or not the complaint is reasonable, or vexatious, and then advise the Head Teacher accordingly.

13. Monitoring complaints

Governors should monitor complaints to ensure that the procedure is effective in dealing with concerns. Some of the areas relating to complaints which schools may wish to monitor are:

- the number and nature of the complaints;
- whether the complaints were dealt with within agreed time limits;
- the stage at which complaints were ended satisfactorily.

Under *The Education (Independent School Standards) (England) Regulations 2010*, academies are required to log the number of complaints lodged under their formal procedures each year and whether they are resolved at the preliminary stage, or proceed to a panel hearing.

14. Roles in Complaints procedures

14.1. Role of the Head Teacher

The head teacher is responsible for the internal organisation and management of the school and its staff. She therefore has overall responsibility for considering complaints in the first instance, or, if appropriate, arranging for a designated member of staff to deal with them.

Where the head teacher chooses to arrange for other members of staff to consider complaints, there should be arrangements for the head teacher to be kept fully informed of the complaint and the way in which it is being addressed. In determining which course of action to take over a response to a complaint, the head teacher may wish to consult the chair of the governing body, the Local Authority, or the Diocesan Board.

14.2. Role of the governing body

The governing body is responsible for the overall conduct of the school and must ensure that a complaints procedure is in place and reviewed regularly.

The head teacher would normally inform the chair of the governing body of complaints received. However, if it has been decided that the chair will form part of any panel to hear disciplinary or capability procedures, they must remain untainted. Any complaints procedure should note that additional time may be needed should a disciplinary procedure need to be invoked.

If a governor is approached directly by a parent (or other complainant), they should be referred to the appropriate person in accordance with the complaints procedure. Governors must not get involved at this stage. Only in circumstances where the head is the subject of the complaint would the chair of the governing body undertake the initial investigation. If the chair of the governing body receives a formal written complaint, s/he would normally first discuss the matter with the head teacher and follow the appropriate procedures.

14.3. Role of the complaints panel

The governing body must appoint a complaints panel to consider any formal written complaints in accordance with the procedure outlined in Appendix D. At St Peter's Primary school, this panel can be formed of three governors from the pool of governors appointed at the beginning of each school year to serve on staffing, pupil behaviour and complaints panels.

Parental complaints seldom reach the formal stage involving a panel of governors: nonetheless, it is important that governors do not become prejudiced by taking part in discussion of a complaint, either during a meeting of the governing body, or with an individual. Such discussion would make a governor unable to serve on a complaints Panel.

After a complaint has been dealt with it may be appropriate for the head teacher or chair of the governing body to make a brief report to the governing body, without mentioning names. Details should not be divulged to the full governing body as to do so would violate confidentiality.

14.4. Role of the Diocesan Board

The Diocesan Board acts in an advisory capacity to head teachers and governing bodies, it does not have any general power to investigate complaints. Any complaints received by the Diocesan Board will be

responded to by referring the complainant to the school's procedures; the Diocesan Board will inform the school of any complaints received.

15. Stages in a Complaints Procedure

Introduction

It is normal for each stage in the complaints procedure to be completed before moving to the next stage. In very exceptional circumstances the head teacher, usually in consultation with the chair of the governing body, may decide to omit a stage. The complaints procedure is formed of three stages:

Stage 1 – Informal

Stage 2 – formal - written complaints to head teacher (or chair of Governors, if complaint is about the head teacher)

Stage 3 - Formal – complaint heard by Governors' Complaints Panel

A summary complaints procedure is shown in Appendix A The head teacher, or member of staff investigating a complaint, should always be aware of the fact that a concern or complaint may escalate into a larger issue and be referred to the Complaints Panel of the governing body. It is therefore essential that clear, concise written notes of discussions and incidents are made and kept for every stage of the procedure.

15.1. Stage 1: Informal

Most parents' concerns can be resolved informally by the class teacher, or other designated member of staff by:

- (a) Responding to the parent courteously;
- (b) Handling the complaint seriously;
- (c) Taking action quickly.

It is essential to give time to complainants and to be patient, so that they feel they have been heard properly. It is important that parents are reassured that there are established procedures and, if appropriate, that their case will be impartially investigated.

Sometimes parents might wish to complain but do not do so because they fear that this would be held against them or their child. Parents need to be reassured, both in the school's written policy and by individual members of staff that this will not happen.

When a parent is making an informal complaint there is usually no need to ask for the complaint to be put in writing. To insist on this could result in a genuine complaint not being resolved due to fear or lack of confidence on the part of the parent. If parents are pushed into writing down their concerns, this can also lead to them taking an entrenched position from which it could be difficult to achieve a resolution. Some head teachers find it helpful to inform parents of the times during the week when they would be available to have informal discussions about any concerns or topic of the parents' choice.

Those dealing with complaints should consider whether, or not, to invite to the informal discussion any staff member named as involved in the matter, but inevitably hostile confrontation and entrenched defensive positions will not aid resolution of the problem.

In the case of an oral complaint to the head teacher, an assurance should be given that the matter will be investigated and a response given within a certain time, normally 5 school days. At the end of the discussion it should be clear to the complainant what action, if any, will be taken, the timescale within which it will take place and how s/he will be notified of any outcome. Every effort should be made to resolve the matter to the satisfaction of the parent. If a response cannot be given within the 5 school days, the complainant must be told.

If it becomes clear that the parent is not happy with the response to their complaint, or the member of staff or head teacher would like the protection of the formal procedure, the parent should be advised that

the complaint should be put in writing and a complaint form may be used (Appendix B). If a parent is reluctant to put their concerns in writing, they may need assistance, especially if English is not their first language. Further advice about conducting interviews with complainants is given in Appendix C.

15.2. Stage 2: Formal

If the complaint cannot be resolved informally by a member of staff, the parent should be advised to put their complaint in writing to the head teacher. If a written complaint is received by the head teacher, the following procedure should be followed:

- (a) The complaint is acknowledged within two school days and the complainant is told that the matter will be investigated; (Appendix E, Letter 1)
- (b) The head teacher and staff keep notes of any discussions held with complainant. (It is advisable to have a separate note-taker present at the meeting.);
- (c) Where the head teacher, or designated member of staff, undertakes an investigation, it is important that clear written statements are taken and that every statement is signed and dated;
- (d) A response given within a certain time, normally five school days.

If the chair of the governing body receives a written complaint direct from a parent s/he should consult with the head teacher to ensure that the informal stage of the procedure has been exhausted. If this is not the case, the chair would normally advise the complainant to follow the procedures described for the informal stage above. If the informal stage has been exhausted the parent should be advised to follow the formal procedure above. If the complaint is against the head teacher and not in relation to any previous informal handling of the complaint, the chair of governors investigates the matter through the informal procedures above and if the complaint is unresolved at this stage the formal stage would be invoked.

15.2.1. Investigation process:

The following process should be followed:

- (a) There should be a clear understanding of the complaint; clarification should be sought if necessary;
- (b) Interviews should be held as soon as possible after the incident to minimise the possibility of evidence becoming tainted;
- (c) Strict attention should be paid to confidentiality;
- (d) Separate discussions should be held with all parties involved, and with any witnesses;
- (e) Careful written notes should be made of all discussions;
- (f) The complainant's desired outcome and any possibilities of redress discussed;
- (g) Written statements should be obtained where appropriate, and be signed and dated;
- (h) If pupils are to be interviewed, see section 9;
- (i) Efforts should be made to resolve the complaint, if possible, to the satisfaction of the complainant;
- (j) The complainant and member of staff should be given an opportunity to provide documentation and identify potential witnesses.

After completing the investigation, a written summary of the findings must be sent to the complainant saying that the investigation has been completed. (Appendix E, Letter 2) Some of the following points may be included:

- (a) All appropriate steps have already been taken and no further action is considered necessary;
- (b) As a result of the investigation the following arrangements have been made which it is hoped the complainant will find satisfactory;

(c) The following recommendations will be made to the governing body

(d) A statement to the effect that if the complainant is not happy with the response, s/he may write to the clerk to the governing body at the school address requesting that the complaint be considered by the complaints panel of the governing body.

15.3. Stage 3: Formal

If the Complaints Panel of the governing body is to consider the complaint, the clerk to the governing body should set up the meeting within 15 school days giving at least ten school days' notice of the meeting to: the members of the panel, the complainant and the head teacher, sending them the following:

(a) An invitation to attend the meeting including details of date, time, place of meeting; (see Appendix E, Letter 3)

(b) A request for copies of any written papers which the parties to the complaint may wish to be considered to be sent to him by (Date) so that they can be distributed to members of the complaints panel and the other party;

(c) A request for the names of any witnesses who may be called;

(d) A statement that the complainant may be accompanied by a friend and a request for the name of any such friend;

(e) Where appropriate, an enquiry as to whether, or not, it would be helpful for an interpreter to be available;

(f) An enquiry as to whether, or not, access should be provided for the disabled;

(g) A summary of the procedure to be followed at the meeting.

The hearing by the complaints panel should be as informal as possible. The chair of the governing body and the head teacher may be present. The clerk to the governing body, or another person appointed by the chair of the governing body, should be present throughout the hearing and after the parties have withdrawn, in order to take notes. The procedure for the meeting is in Appendix D.

The decision and recommendations of the complaints panel are sent as soon as possible to all parties.

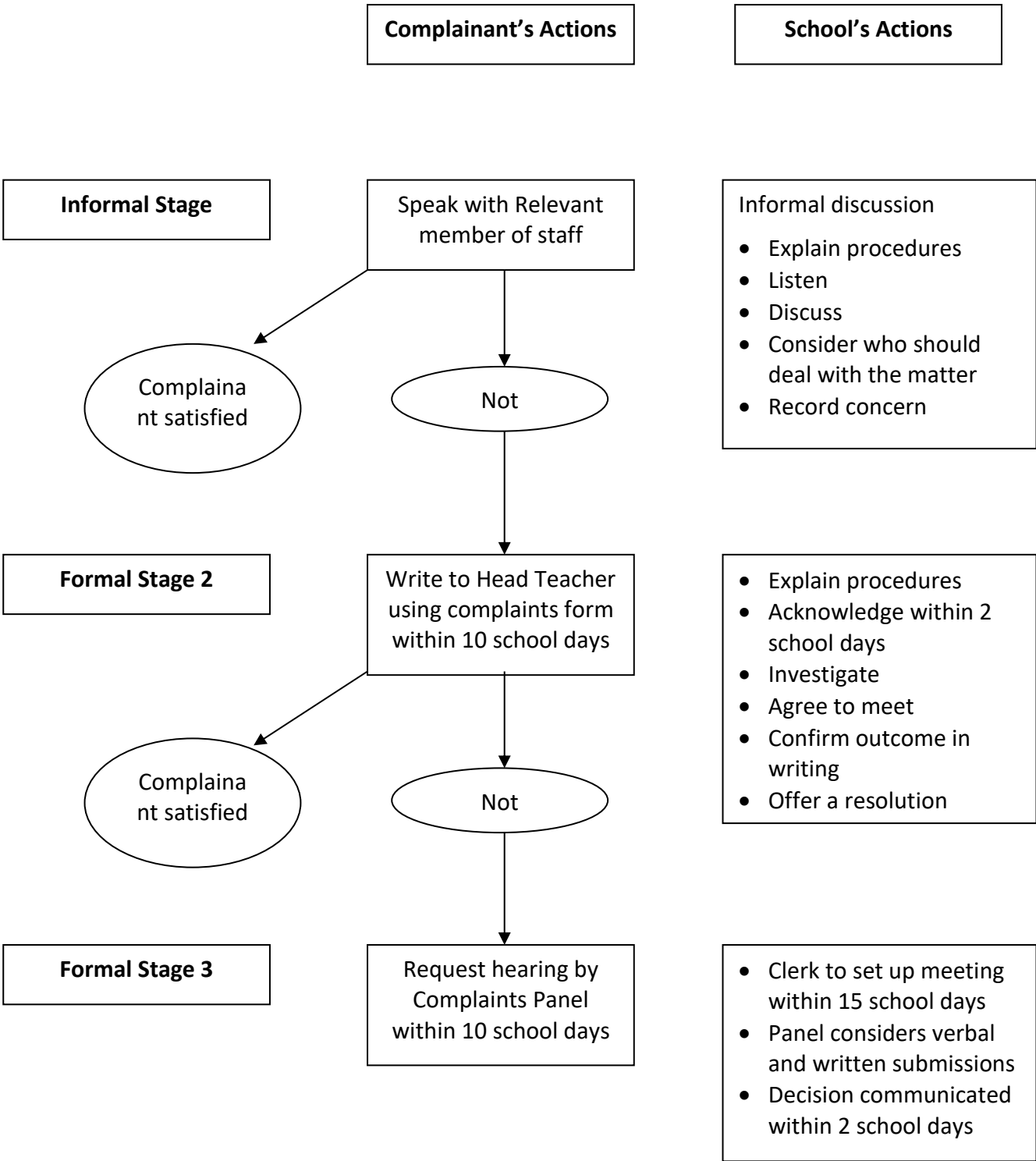
(Appendix E, Letter 4) The Panel's decision is final.

16. Further Rights of Appeal

Parents may, if they believe the Governors' complaints panel has acted unreasonably, or that the governors have not followed their own procedures in considering the complaint, make a complaint to the Department for Education using an on-line complaints form.

Parents may also complain to OFSTED, but OFSTED will not normally investigate complaints concerning individual pupils, but if there are any child protection concerns they may pass these to social services, or the police and this may trigger an inspection.

APPENDIX A SUMMARY COMPLAINTS PROCEDURE



APPENDIX B

COMPLAINTS FORM

St Peter's CE Primary School

When we receive a written complaint, we aim to acknowledge its receipt within 2 days and send a full or interim response within 5 school days.

Name of complainant:

Address:

Postcode:

Telephone (day):

Telephone (evening):

What is your concern and how has it affected you?

Are you attaching any paperwork? If so, please list below:

Have you discussed this matter with a member of staff before filling in this form? If so, who did you speak to and what was the response?

What would you like to happen as a result of making this complaint?

Signature:

Date:

Please return this form to

APPENDIX C

PROCEDURAL ADVICE - CONDUCTING INTERVIEWS WITH COMPLAINANTS

1. In conducting interviews with complainants, head teachers (or Chairs of Governors, if appropriate) should:

(a) Have regard to confidentiality at all times. The need to treat conversations and correspondence as confidential is of paramount importance; from the outset all parties to a complaint should be made aware of the need for confidentiality.

(b) Listen attentively and sympathetically to complainants, allowing them to explain their concern/s in their own way. After they have finished, it may be necessary to try to identify the issue(s) by asking questions and summarising what has been said. It is helpful to ascertain the complainant's desired outcome and possibilities (if any) for redress. Headteachers may wish to ensure that the meeting is minuted by a third party, so that there is a clear record of the meeting.

2. At the end of the interview decide if it is possible to:

(a) Make an immediate response to the concern/s; or

(c) Delay a response. It is often necessary to say to complainants that their concerns will be carefully considered and when all the facts and circumstances have been ascertained, they will receive a response normally within five school days.

3. Avoid passing judgement or coming to conclusions before having spoken to any third parties and having considered all the aspects of the complaint.
4. If the complaint is against a third party, ensure that they have an opportunity to explain the situation as they see it, but not usually in the presence of the complainant unless this is deemed desirable by all concerned.
5. Examine the general context and constraints of the situation and consider if there are any precedents.
6. When all the facts and circumstances relating to the matter have been ascertained make careful notes summarising your investigation. You should then decide how to respond to the complainant.
7. The complainant should be clearly informed of the school's response to the complaint/s and of the next stage in the procedure, should s/he wish to proceed further.

APPENDIX D

OUTLINE OF THE PROCEDURE FOR A COMPLAINTS PANEL HEARING

The Panel may:

- (a) Dismiss the complaint in whole or in part;
- (b) Uphold the complaint in whole or in part;
- (c) Decide on the appropriate action to be taken to resolve the complaint;
- (d) Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The Panel members should be aware of the following:

- (a) The school's complaints procedure;
- (b) The appeal hearing is independent and impartial and must be seen to be so;
- (c) No governor may sit on the panel if they have had a prior involvement in the complaint, or the circumstances surrounding it;
- (d) Panel members should be drawn from a cross-section of the governing body;
- (e) The hearing is held in private;
- (f) The aim of the hearing is to resolve the complaint and achieve conciliation between the school and the complainant;
- (g) It may not be possible to resolve matters to the complainant's satisfaction, it may only be possible to establish facts and satisfy the complaint that the matter has been taken seriously;
- (h) Some parents may feel nervous: the panel chair will make efforts to ensure proceedings are as informal as possible.

The chair of the panel:

- (a) Welcomes those present and introduces each person by name;
- (b) Stresses that the meeting is strictly confidential to those present;
- (c) Outlines the procedure to be followed;
- (d) Asks all attending the Panel, including witnesses, to remain available for approximately 30 minutes after they withdraw from the hearing, in case the Panel needs to clarify a point;
- (e) Ensures that key findings of fact are made and the issues addressed;
- (f) Ensures that each party is able to state their case and ask questions without undue interruption;
- (g) Ensures that all written material is seen by all parties;
- (h) Conducts the hearing in an informal manner and ensures each party treats the other with respect and courtesy.

Order of hearing:

The complainant is invited to present their case and explain their desired outcome and any possibilities of redress.

The head teacher may question both the complainant and any witnesses.

The head teacher is invited to explain the school's actions.

The complainant may question the head teacher and any witnesses.

Both parties are invited to sum up.

After the complainant, Chair of the governing body (if appropriate) and Head teacher have withdrawn, the Panel decides on its recommendations, including any redress. The decision and recommendations of the Complaints Panel are sent within two school days to all parties. The Panel's decision is final.

APPENDIX E
MODEL LETTERS

LETTER 1

ACKNOWLEDGEMENT LETTER (SENT WITHIN 2 SCHOOL DAYS)

Dear

Thank you for your letter of DATE. The School's policy is to deal with parental concerns as quickly as possible. I will investigate the matters you raise and contact you again by (DATE) to let you know the outcome.

Thank you for bringing this matter to my attention.

Yours sincerely

Head teacher

LETTER 2

NOTIFICATION OF DECISION REGARDING PARENTAL COMPLAINT

CONFIDENTIAL

Dear

Further to your letter of (DATE) and our subsequent meeting, I have given careful consideration to your concerns and considered all the available relevant evidence.

We agreed at our meeting that your concerns related to the following:
(Outline the complaint)

Following my investigation I have concluded that

Include as appropriate:

There is insufficient evidence to reach a conclusion and I cannot therefore uphold your complaint. If you are able to provide additional evidence, I will reconsider this decision.

Or

Your complaint is not substantiated by the evidence in that.....(include reasons for this conclusion).

Or

Your complaint was substantiated in part/full (include reasons for this conclusion). The School will review its practices/procedures in relation to with the intention of avoiding any recurrence. Parents will be informed in due course of the policy changes.

Or

In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. I am confident however that the circumstance which gave rise to your complaint should not recur.

I hope that you now feel that your concerns have been addressed by the school and that we can work together in the future to ensure that no other issues reach this level of concern. However, should you feel dissatisfied with this response you may proceed to the next stage of the complaints procedure *(outline the process for this)*. Should you wish to pursue this as I have outlined please write to..... by (DATE).

Yours sincerely

Headteacher (or Chair of Governing Body, if complaint is against the head teacher)

LETTER 3

NOTIFICATION OF FORMAL HEARING OF THE COMPLAINTS PANEL

CONFIDENTIAL

Dear

Thank you for your letter of (DATE) indicating your wish to make a formal complaint to the Governors' Complaints Panel. I have been instructed to convene a meeting of the Panel in order to hear your complaint. The Panel will consist of three governors who have had no prior involvement in the complaint.

I write to invite you to a meeting of the Complaints Panel which will be held at (time) on(date) at (location). You are welcome to be accompanied by a friend and/or, if necessary, an interpreter. I would be grateful if you could confirm whether you intend to attend the meeting and bring a friend, and whether we should be aware of any issues regarding access for the disabled.

I enclose copies of the paperwork relating to your complaint. If there is any additional written information in support of your complaint, please send this to me by (DATE) (5 days before the meeting) so that I may circulate this to the Panel and the headteacher. Please note that the Panel will be discussing the issues raised in the attached papers and any further information you submit by the deadline. It will not be possible for you to raise any new issues at the meeting.

I enclose an explanatory sheet summarising the procedure at the meeting. The Panel will consider carefully both your views and those of the school and will make every effort to find a mutually acceptable solution to the situation which has led to your complaint.

Yours sincerely

Clerk to the Governors

LETTER 4

OUTCOME OF HEARING OF THE COMPLAINTS PANEL

CONFIDENTIAL

Dear

Thank you for meeting with me and my fellow governors on the Complaints Panel on (DATE) to discuss your complaint. I am grateful to you for the time and effort you put into presenting your complaint.

I am writing to let you know (or confirm, if outcome announced at end of hearing) the outcome of our consideration of your complaint.

Include here a brief summary of the nature of the complaint and the conclusions reached by the Panel, including particulars of any evidence that was pertinent to reaching a conclusion. It is important that due weight is given to both the complainant's evidence and that of the school. Outcomes will vary, see letter two for possible options).

I and my fellow Panel members hope that you will feel your complaint has been fairly heard and that all the issues you raised have been investigated appropriately. The Governors Panel is the last stage in the School's complaints procedure and the Governors consider that this matter is now closed. *(The wording of this final paragraph will largely depend on the outcome and the wording may need to change appropriately).*

Yours sincerely

Chair of Complaints Panel
Cc Headteacher
Chair of Governors