

# ***Dunn Street Primary School***

## **Complaints Policy**

### **Part 1: General Principles of complaints**

#### **Dealing with Complaints – Initial concerns**

It is important 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.

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.

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.

In most cases the complaint will initially be dealt with by the Head teacher. The Head teacher may subsequently delegate the handling of the complaint to a senior member of staff.

#### **Framework of Principles**

The complaints procedure will:

- encourage resolution of problems by informal means wherever possible;
- be impartial;
- be non-adversarial;
- allow swift handling within a reasonable time-limit 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**

The person investigating the complaint will make 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**

At each stage in the procedure the person investigating the complaint will 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.

It may also 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.

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.

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 Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **Part 2: The Formal Complaints Procedure**

### **The Stages of Complaints**

A procedure of suggested stages can be found in Appendix 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 Head teacher after a meeting with the complainant.

**Stage 1** complaint heard by staff member (though not the subject of the complaint)

**Stage 2** complaint heard by Head teacher

**Stage 3** complaint heard by Governing Body's complaints appeal panel

If the complaint relates to the Head teacher, the complaint should be directed to the Chair of Governors.

Some situations may necessitate an additional stage if the Local Authority or other external agency (e.g. the General Teaching Council) is needed to facilitate an independent appeal or review.

An example of a complaints procedure can be found in Appendix B.

## **Part 3: Managing and Recording Complaints**

### **Recording Complaints**

The progress of the complaint and the final outcome should be recorded. A formal complaint must be made in writing. 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 should be kept and a copy of any written response added to the record.

### **Governing Body Review**

The Governing Body 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 Governing Body will not name individuals.

## **Recording the Procedure**

Details of complaints procedures will be included in:

- the school prospectus;
- the information given to new parents when their children join the school;
- the home-school agreement;
- 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;

## **Additional Information**

### **Appendix A**

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 failing 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 nursery school;

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

## **Appendix B**

### **An example of a Complaints Procedure**

#### **Stage One: Complaint heard by staff member**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate.

The first staff member to deal with a complainant should respect their views if he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Head teacher can refer the complainant to another staff member. Where the complaint concerns the Head teacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Head teacher may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

#### **Stage Two: Complaint heard by the Headteacher**

The Head teacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Head teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

#### **Stage Three: Complaint heard by Governing Body's Complaints Appeal Panel**

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Body complaints panel.

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

Individual complaints should 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.

The Governing Body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;

- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

### **The remit of the Complaints Appeal Panel**

The panel can:

- 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.
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There are several points which any governor sitting on a complaints panel needs to remember:

a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel 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 to 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 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 panel 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 panel 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 panel 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 panel need to be aware of the complaints procedure.

## **Roles and Responsibilities**

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

The Department strongly recommends that any panel or group of governors considering complaints be clerked. The clerk 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; • notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel.

### **The role of the Chair of the Panel:**

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

- the remit of the panel 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 panel is open minded and acting independently; no member of the panel 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;
- written material 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.

### **Notification of the panel's decision**

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## **Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Head teacher may question both the complainant and the witnesses after each has spoken
- The Head teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head teacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head teacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

### **Summary of Procedures**

1. Complaint heard by staff member
  - Ensure complaints co-ordinator informed of outcome
2. Issue resolved/ Issue not resolved
3. Complaint heard by Head teacher
  - Acknowledge receipt of complaint
  - Write to complainant with outcome of investigation
  - Ensure complaints co-ordinator informed of outcome
4. Issue resolved/ Issue not resolved
5. Governor's complaints panel meeting arranged
  - Issue letter inviting complainant to meeting
  - Issue letter confirming panel decision
  - Ensure complaints co-ordinator informed of

## **Appendix D..... Example of a complaint form**



## Dunn Street Primary School

### Complaints Form

Please complete and return to Mr S.Reader.(complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>	
<b>Pupil's name</b>	
<b>Your relationship to the pupil:</b>	
<b>Address:</b>	
<b>Postcode:</b>	
<b>Day time telephone number:</b>	
<b>Evening telephone number:</b>	
<b>Please give details of your complaint.</b>	
<b>What action, if any, have you already taken to try and resolve your complaint.</b> (Who did you speak to and what was the response)?	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Are you attaching any paperwork? If so, please give details.</b>	
<b>Signature:</b>	<b>Date:</b>

Official use  Date acknowledgement sent:  By who:  Complaint referred to:  Date:
Date of Resolution

Policy ratified by Governors on .....

Updated .....

Updated .....

Updated .....

Updated .....