

School Complaints Procedure



Cogenhoe
Primary School

Complaints Procedure Policy

	Name	Signature	Date
Headteacher's Approval	Caroline Stewart		November 2016
Chair of Governors' Approval	Sam Tipler		November 2016
Chair of Resource Committee Approval	Chris Wootton		November 2016
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Version Number

This document is issued and maintained in accordance with Cogenhoe Primary School procedures. Any changes must be clearly identified and discussed with the Governors. The most recent version must be detailed to staff and kept with the other policies for all appropriate stakeholders including parents where applicable.

Version	Date	Description of Change	Changed By
1	September 2013	Implemented	N/A
2	January 2016	No changes	N/A
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1. COMPLAINTS PROCEDURE

Introduction

The Complaints Procedure for Cogenhoe Primary School

The Headteacher, Staff and Governors of Cogenhoe Primary School are committed to maintaining a positive partnership with parents. Sometimes things happen which may make a child or a parent unhappy. It is important that parents and carers feel able to raise concerns and do this in the best way.

In most cases, concerns and complaints can be resolved by talking to staff at school. Sometimes parents may wish to raise a more formal complaint.

This document describes procedures for dealing with complaints.

This procedure will apply to most general complaints received by the school. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.

Complaints about delivery of the National Curriculum and the provision of religious education and collective worship will be dealt with by the requirements of Section 409 of the Education Act 1996.

Separate procedures exist also for appeals and special needs assessments and school admissions and exclusions. (See the SEN Code of Practice and Schools Admissions Code of Practice.)

Concerns about allegations of child abuse are dealt with through separate procedures that have been adopted for these purposes.

Hate and harassment incidents and complaints have their own procedures set out by the NCC and are adopted by the school. See policies.

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General principles

The resolution of a justified complaint provides the potential opportunity for the school to improve its practice and develop further partnership with parents.

The complaints procedure clearly outlines for parents how to raise concerns.

The person closest to the cause of concern should deal with concern/complaint in the first instance.

Confidentiality is important in securing the confidence of all concerned. However, the parties should realise that some information may have to be shared to carry out a thorough investigation.

If the investigation of a complaint shows that is justified then the school will consider how to make amends in an appropriate way.

All complaints are recorded and monitored to identify issues and allow any lessons to be learned by the school.

Every complaint will be acknowledged as 'genuinely felt' by the Complainant Dealing with Complaints.

Formal Procedures

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.

Investigating Complaints

At each stage, the person investigating the complaint (the complaints coordinator), 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 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;

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Investigating Complaints (cont)

- 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 school 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.

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.

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

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.

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Time Limits

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

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 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. Both of these examples could be included.

Three school-based stages are likely to be sufficient for most schools:

- Stage One: complaint heard by staff member (though not the subject of the complaint);
- Stage two: complaint heard by head teacher;
- Stage three: complaint heard by GB's complaints appeal panel.

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

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 LA, Diocese Body (DB) or other external agency provides an independent appeal or review.

An effective procedure will specify how a complaint will be dealt with if it concerns the conduct of the head teacher or a governor or where a head teacher or governor has been involved in the issue previously.

An example of complaints procedures can be found in Annex B

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Part 3: Managing and Recording Complaints

Recording Complaints

The school will 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.

The complaints co-ordinator could be responsible for the records and hold them centrally.

Governing Body Review

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.

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, the school 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

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;
- Any report/communication from the governors 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;

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Publicising the Procedure (cont)

- 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.

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Annex A - The Act

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 nursery school;

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

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Annex 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. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator 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 complaints co-ordinator 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. It would be useful if governors did 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 Head Teacher

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 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 Bodies Complaints Appeal Panel

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

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

Individual complaints would not be heard by the whole GB 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.

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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.

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 and ensure that 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 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 the 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 sent it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Notify all parties of the panel's decision.

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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.

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Checklist for a Panel Hearing

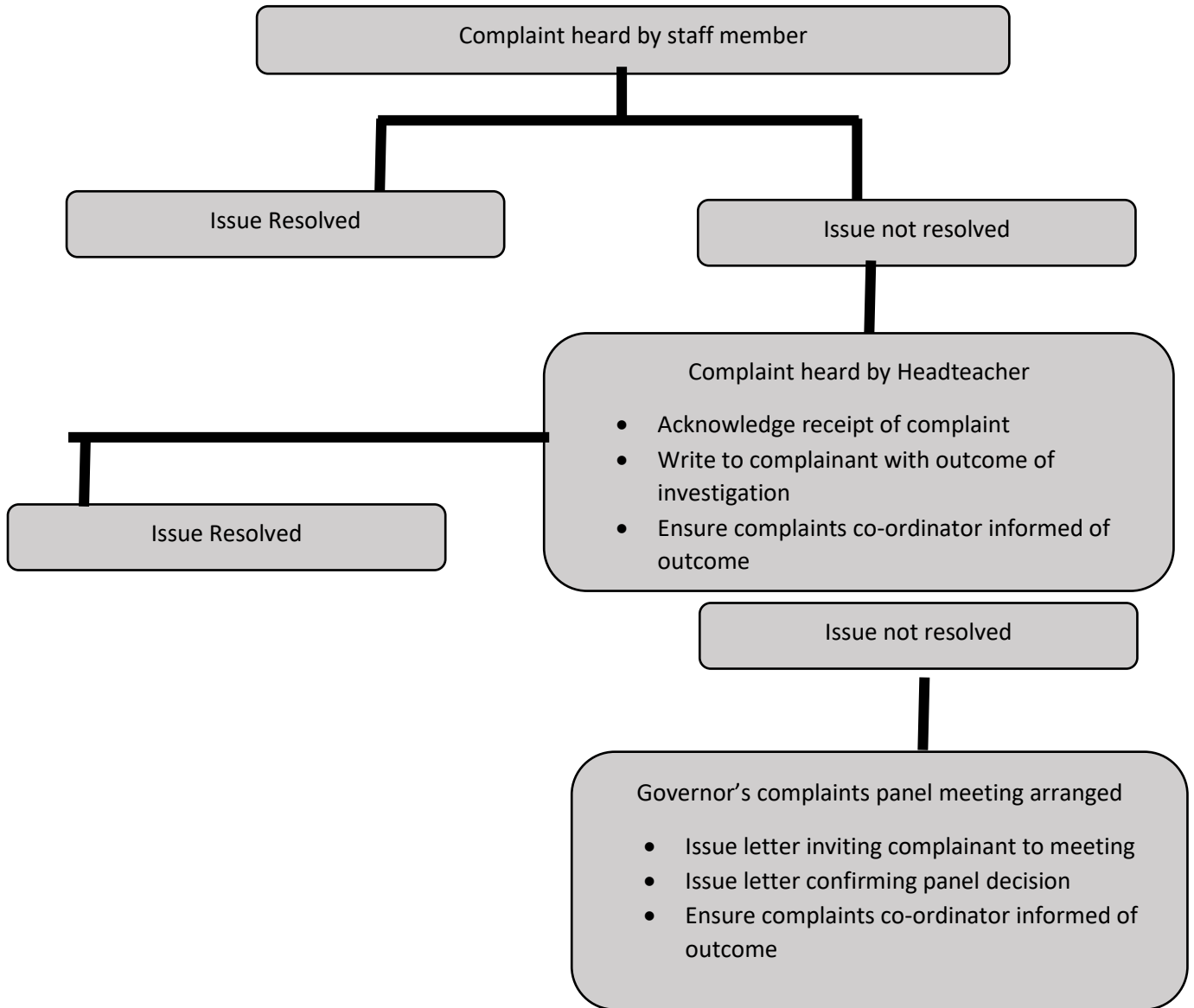
The panel needs to take the following points into account:

- 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 headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the schools actions and be followed by the school's witnesses.
- The complainant may question both the headteacher 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 headteacher 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.

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Annex c – Flowchart

Summary of Dealing with Complaints



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Annex D – Example of a complaint form

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

Your name:

Pupils 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 the stage?

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

Signature

Date

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date