

# COMPLAINTS POLICY

Wembrook Primary School

Headteacher .....

Chair of Governors .....

# Complaints Policy for Wembrook Primary School

## **1. Introduction**

Governors of Wembrook Primary School have adopted the following policy to deal with formal complaints from members of the school community or general public.

It is in everyone's interest that complaints about our school 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 this end all staff and governors are aware of the procedure to be followed if a complaint is raised.

The headteacher, staff and governors of Wembrook Primary School want to work with the schools parents and community to establish a good parent / school relationship. However, there may be times when, as a parent, carer or guardian, there will be comments, suggestions or complaints to make to School.

The query may concern the curriculum for which the governors have important responsibilities. On the other hand it may involve things for which the Local Authority is responsible. It may be a concern about a particular incident which has happened at the school. Whatever the issue, the important thing is to talk to someone at the school as soon as possible. It may be all that is needed to solve the problem. If you are still unhappy after that, this policy tells you how you can take the matter further. It tells you what will happen and whom to contact.

## **2. The Responsibility of the School**

1. From 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England, have been required 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 governing body has overall responsibility for the school and for ensuring that all pupils receive an appropriate and high standard of education. The headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. All complaints should be directed to school in the first instance rather than the governing body.
3. Concerns about allegations of child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes. Please refer to Child Protection and Safeguarding Policy and/or Code of Conduct for school based employees.
4. The Governors Complaints Panel is the final stage in the local complaints procedure. The

Local Authority will not investigate school matters on a parent's behalf nor can it review how the school has dealt with a complaint. If a complaint exhausts this procedure and a complainant remains dissatisfied with the outcome, the final stage of appeal is to the Secretary of State for Education. Complaints should be directed to :

Department for Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester, M1 2WD

5. A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure will be treated fairly and have an opportunity to respond to the issues raised by the complainant. They will be offered support if required to respond to any investigation into a complaint.
6. If it becomes apparent that the complaint has the potential to be a disciplinary issue it is for the headteacher or designated senior member of staff or, in the case of the headteacher, the Chair of Governors or designated governor, to determine whether the disciplinary or capability procedures should be followed. If this is the case, the matter will be dealt with by following the appropriate (disciplinary or capability) procedure and the complainant will be notified that this is the outcome of their complaint, i.e. "The matter has been referred to the appropriate procedure".
7. There may be occasions when, despite all stages of procedures having been followed, the complainant remains dissatisfied. If the complaint becomes vexatious (e.g. the complainant tries to re-open the same issue), the Chair of the Governing Body can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed. Legal advice will be sought before any action is taken.

### 3. The Complaints Process

<p><b>Stage 1. Expression of concern made to the school (The Informal Stage)</b></p>	<p>If parents, pupils or members of the public have concerns they should:</p> <ul style="list-style-type: none"> <li>• Discuss concerns with the member of staff most directly involved i.e. class teacher <i>and, if not satisfied</i>;</li> <li>• Discuss concerns with a senior member of staff. Please note that if you immediately contact a member of the school's governing body they will ask you to contact the headteacher or the appropriate member of staff. This is to help you start at the right place and leave the governors free to possibly be involved at a later stage. Should the complaint be about the headteacher please contact the Chair of Governors.</li> </ul>
<p><b>Stage 2. Making a complaint to the Head teacher (Formal Stage)</b></p>	<p>It is expected that the majority of concerns will be resolved at stage 1 of the process. However, should the complainant remain dissatisfied, a complaint can be made in writing to the head teacher (Stage two). The head teacher will acknowledge receipt of the complaint at the earliest opportunity and will then respond within 5 school days from when the complaint was received, after a full investigation has taken place.</p>
<p><b>Stage 3. Making a complaint to the Governing Body (Formal Stage)</b></p>	<p>Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write to the Chair of Governors or Clerk to the Governing Body at the school address. The envelope should be marked 'FOR IMMEDIATE ACTION' 'PRIVATE AND CONFIDENTIAL' and staff in the school office will ensure that the letter is forwarded without delay.</p> <p>The complainant will be asked to complete a complaints form (Appendix 1) or use their own written format to submit their complaint, if they have not already done so. The Chair of Governors or Clerk will offer to help an individual to complete the form if appropriate.</p> <p>On receipt of the complaint form the Chair of Governors (or other governor) will:</p> <ul style="list-style-type: none"> <li>• clarify the nature of the complaint and what remains unresolved</li> <li>• meet with the complainant or contact them</li> <li>• clarify what the complainant feels would put things right</li> </ul> <p>At this point the chair of governors will decide whether the</p>

	<p>complaint should go straight to the governors' complaints panel or whether a mediation stage should be offered. This decision will be made and communicated to the complainant within 5 school days from the receipt of the complaint to the Chair of Governors.</p> <p>Mediation can only proceed if the complainant and the headteacher are willing for it to be tried. If mediation is offered and accepted this will be within 10 school days from the receipt of the complaint. If mediation is not successful, the complaint will be considered by the governors' complaints panel.</p>
<p><b>Stage 4. The Governors Complaint Panel (Formal Stage)</b></p>	<p>The aim of the hearing is to resolve the complaint and achieve reconciliation between the school and complainant.</p> <p>The clerk will be the point of contact for the complainant and will set the date, time and venue of the hearing, ensuring that dates are convenient to all parties and accessible. The panel will meet within 15 school days of the clerk receiving the form.</p> <p>Any written material will be sent in advance of the hearing (at least 5 school days).</p> <p>The clerk will welcome the parties as they arrive for the hearing.</p> <p>The hearing will be held in private and conducted in an informal manner with each party treating the other with respect.</p> <p>Each party will be given the opportunity to state their case to the panel.</p> <p>The clerk will record the proceedings and notify all parties of the panel's decision in writing and share copies of the meetings minutes within 5 school days from the meeting taking place.</p>
<p><b>Stage 5. Taking your complaint further</b></p>	<p>The Governors Complaints Panel is the final stage in the local complaints procedure. The Local Authority will not investigate school matters on a parent's behalf nor can it review how the school has dealt with a complaint.</p> <p>If a complaint exhausts this procedure and a complainant remains dissatisfied with the outcome, the final stage of appeal is to the Secretary of State for Education. Complaints should be directed to:</p> <p>Department for Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester, M1 2WD</p>

#### **4. Mediation**

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and headteacher another opportunity to hear each other's points of view (with a third party facilitating)
- It gives the third party an opportunity to help the headteacher and complainant identify and build on areas of agreement
- It gives headteacher and complainant a structure within which they can resolve remaining differences
- If both complainant and headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them
- Even if the complaint continues to a governors' panel, the issues to be considered are likely to be much clearer following the mediation

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part.
- an appropriate 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 acceptance that the complaint needs go no further
- a commitment to review school policies in light of the complaint by the Senior Leadership Team and Governors. Should any changes be made these will be reflected in the policies made available to the local community and published on the school website.

#### **5. Establishing a complaints panel**

The governing body should agree the composition of the complaints panel at the first meeting of the governing body each year.

As governors are not available at all times the governing body has agreed the names of 5 governors from whom a panel of three may be drawn. The decision about the membership of a particular panel will depend on factors such as availability, whether any governors have prior knowledge or have a conflict etc. and the decision will be made by the chair of governors.

When the clerk of governors receives a copy of the complaint form he/she will inform the governing body that a complaint has been received and that it has been passed to the panel to deal with. The panel will meet within 15 working days of the clerk receiving the complaints form. **No further information about the complaint will be shared with other governors.** The clerk will confirm that the governors have had no prior involvement has had no prior involvement in the complaint or the circumstances surrounding it.

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. 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.

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 not intimidating and not adversarial.

The Chair of the Panel will be nominated by the Chair of Governors and is responsible for ensuring that both complainant and headteacher are given a fair hearing and that the panel arrives at its judgment without fear or favour.

**The complaints panel can:**

1. Dismiss the complaint in whole or in part;
2. Uphold the complaint in whole or in part;
3. Decide on the appropriate action to be taken to resolve the complaint
4. Recommend changes to the school's systems or procedures to ensure problems of a similar nature do not recur.

**The complaints panel may:**

1. Consider and, if appropriate, criticise the way in which an operational decision was communicated — **but cannot overturn the decision itself**
2. Consider the thoroughness with which the headteacher investigated a complaint about a member of staff — **but cannot expect the headteacher to provide details about confidential discussions with that staff member**
3. Consider the manner in which a complaint about any decision was addressed ask for the decision to be reviewed — **but cannot expect the headteacher to have changed the decision**
4. Consider and, if appropriate, identify limitations in a policy or procedures —**but cannot make changes to the policy.** (It can, however, recommend that the policy be reviewed by the governing body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy)
5. Consider whether it should recommend that the governing body offer appropriate redress

**6. Format of a Panel Hearing**

1. Complainant and headteacher will enter the room where the hearing is taking place together
2. The chair will introduce the panel members and the clerk and outline the process.
3. The complainant is invited to explain the complaint
4. The headteacher may question the complainant
5. The panel will question the complainant
6. The headteacher is then invited to explain the school's actions
7. The complainant may question the headteacher
8. The panel will question the headteacher
9. The complainant is then invited to sum up their complaint
10. The headteacher is then invited to sum up the school's actions and response to

the complaint

11. The chair explains that both parties will hear from the panel within five school days
12. Both parties leave together while the panel decides on the issues
13. The clerk will remain with the panel to clarify any issues

## **7. Exceptional circumstances**

The description above does not cover exceptional circumstances which might include:

1. The chair of governors may not be able to find three governors who have no prior knowledge of the case
2. If a case has become a major talking point around the community, the chair can nominate three governors with minimal prior knowledge
3. If there are still insufficient governors able to sit on a panel, the governing body in consultation with the Local Authority or Diocese will put in place an alternative fair process.

A complaint to the governors' complaints panel will never be against a junior member of staff (it may be against the way the headteacher handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the headteacher. That would need to be considered very carefully but if agreed the senior manager would be 'the headteacher' for the purpose of the panel.

There may be exceptional circumstances in which the complaint is against the chair of governors — e.g. for refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'headteacher' would be read as 'chair of governors'.

## **8. The decision letter**

The clerk will ensure that she has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The clerk will use that wording to draft the decision letter. This will be sent to all members of the panel for checking. Once approved by all three panel members, it will be sent to the complainant with a copy to the headteacher.

The letter will clearly express how seriously the panel considered the complaint.

The clerk will be careful that the letter sticks to the facts and gives no hint of partiality.

The clerk to the complaints panel will ensure that the letter from the chair of the panel reaches the complainant and the Head teacher within 5 school days of the hearing.

The letter will contain clear wording stating the panel's decision about each of the issues that the panel considered.

After approval of each of the panel members, the clerk to the complaints panel will send the decision letter to the complainant with a copy to the head teacher.



## **9. Delays to the Complaints Process**

In the exceptional circumstance that school may face unavoidable delays in the complaints process; complainants will be kept informed via letter or email.

This will ensure the school manage complainant's expectations and will facilitate effective complaint resolution.

## **10. Monitoring Complaints**

As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The monitoring and review of complaints by the school and Governing Body can be useful in evaluating the school's performance. Any discussion of complaints by the Governing Body or others in the school community should not name or be able to identify individuals. A record of all complaints received will be kept and monitored regularly by the Governing Body and the clerk will monitor any evident trends.

The flowchart at appendix 2 summarises the complaints process.

## **11. Taking a complaint further**

The local authority will not investigate school matters on a parent's behalf nor can it review how the school has dealt with your complaint.

Where a complainant remains dissatisfied with the outcome, the final stage of appeal is to the Secretary of State for Education. Complaints should be directed to:

Department for Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester, M1 2WD

The information at appendix 3 will be available in leaflet form for the school community including parents.

## Complaint Form

Please complete and return to the office, who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupils Name (if relevant):</b>
<b>Your relationship to pupil (if relevant):</b>
<b>Your relationship to the school e.g. parent, carer, neighbour, member of public:</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. (Who did</b>

**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:**

**Print Name:**

**Date:**

**Official Use**

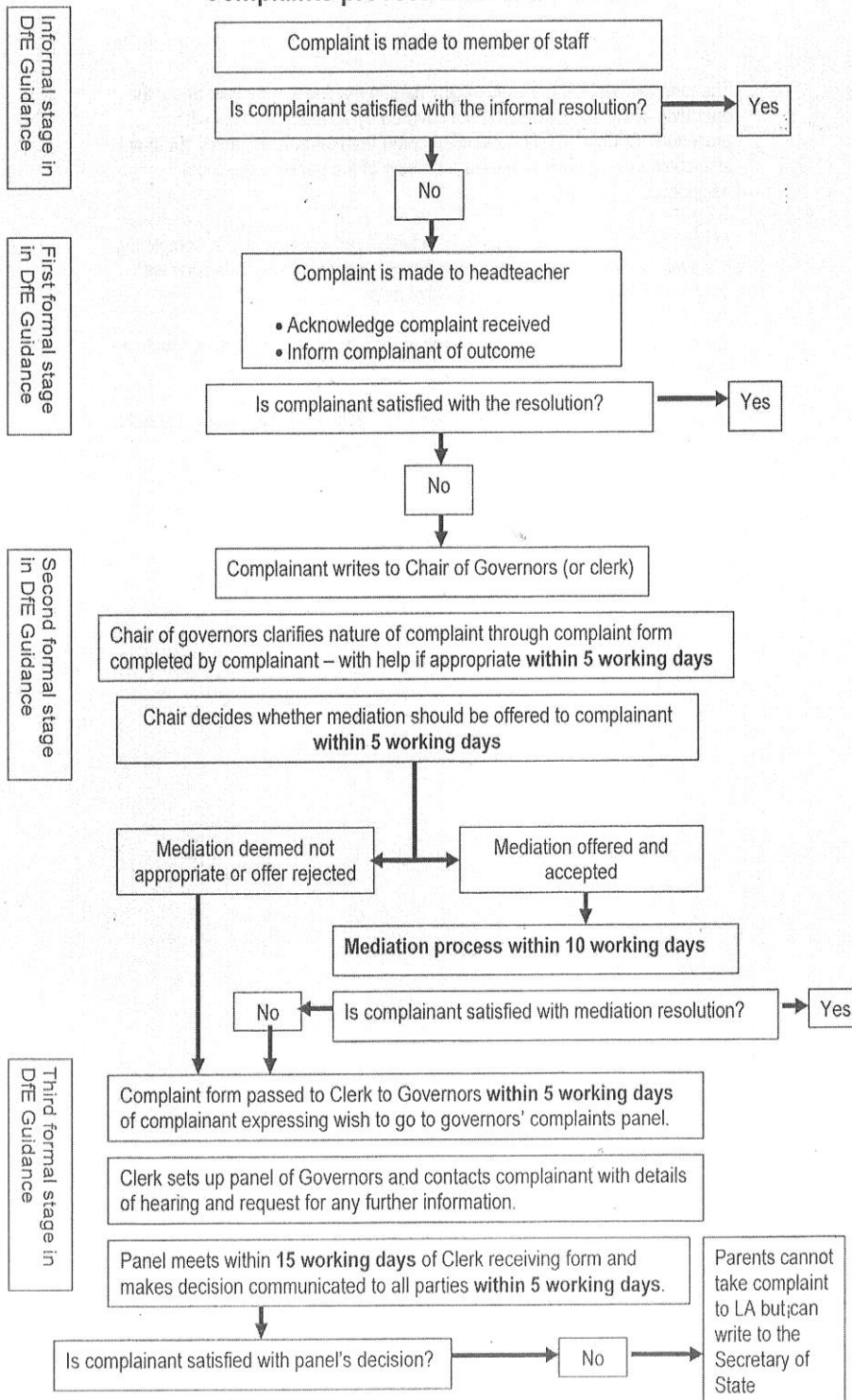
**Date Acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

### Complaints process from start to finish



## Wembrook Primary School

### Sharing your concerns about your child's education A Parents' Guide

Wembrook Primary School recognises that at times things can go wrong. This guidance will help you understand how to resolve concerns you may have about your child's education.

The school has procedures for dealing with concerns or complaints and we value any feedback about our services, including compliments and suggestions. If you are concerned about any aspect of your child's education, you should contact the school.

The school's governing body has overall responsibility for the school and for ensuring the well-being of pupils and that all pupils receive an appropriate and high standard of education.

The headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. So you should contact the school if you are concerned about an issue such as:

- your child's academic progress
- special education needs provision
- your child's welfare
- bullying
- something that has happened in school

#### **How do I complain to the school?**

First, we hope you will speak to the relevant member of staff as soon as you have a concern. This will be the class teacher. This informal approach is nearly always the quickest and most effective way of resolving your concerns.

If you feel that your concern has not been resolved, then it is important to speak to or write to the headteacher who will look into your concern.

If you are unhappy with the Head teacher's response you should write with your complaint to the Chair of Governors/Clerk to the Governing Body at the school address. Mark your envelope 'FOR IMMEDIATE ATTENTION' – Private and Confidential.

#### **This is how your complaint will be handled**

**Within 5 working days** the chair of governors will clarify the nature of your complaint by asking you to complete a complaint form and will offer help in completing the form, if appropriate

**Within 5 working days of receiving the form** the Chair will decide whether mediation should be offered to help you and the headteacher explore possible resolution.

If mediation is agreed, the chair of governors will endeavour to set up the meeting **within 10 working days**. If that timescale is not possible you will be told the reason.

If mediation is not deemed appropriate or if it is not successful, the Chair of Governors or Clerk will set up a panel of governors to meet **within 15 working days** of receipt of complaint form to consider your complaint. The clerk will provide details of the hearing and will request any further information you may wish to provide.

The complaints panel will consist of three governors who (as far as possible) will have no prior knowledge of the events being complained of. The panel will be supported by a clerk who will take notes during the hearing and will stay with the panel while they make their decision in case governors need to be reminded about responses to a particular question. The panel will hear the complaint impartially and make their decision based on the facts and the evidence they have been provided with.

**Five working days** before the hearing the clerk will send to you, the complainant, the headteacher and the three panel members, copies of all papers submitted by both sides so that there is sufficient time to read the evidence before the hearing (which must be submitted to the clerk seven days before the hearing).

#### **At the hearing,**

1. You and the headteacher will be invited into the room where the panel is being held at the same time.  
After introductions, you, the complainant will be invited to explain your complaint,
3. The headteacher may question you
4. The panel will question you
5. The headteacher will be invited to explain the school's actions
6. You, the complainant may question the headteacher
7. The panel will question the headteacher
8. The panel may ask questions at any point.
9. You, the complainant will then be invited to sum up your complaint.
10. The headteacher will then be invited to sum up the school's actions and response to the complaint.
11. The chair will explain that you and the headteacher will hear from the panel **within five working days**.
12. Both you and the headteacher will leave together while the panel decides on the issues.
13. The clerk will remain with the panel.

#### **Can I take my complaint further?**

**You cannot take your complaint to the local authority.** The local authority cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with your complaint.

However, if you feel that the school has acted unreasonably or not followed the correct procedures, you can write to the Secretary of State for Education <http://www.education.gov.uk/help/contactus/dfes>