



King's Meadow School

Complaints Procedure

Overview

From 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, 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.

LEAs are already required to set up a procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school. The GB's complaints procedure does not replace the arrangements made for those types of complaint. In addition, there are certain complaints that fall outside the remit of the GB's complaints procedure, for example, staff grievances or disciplinary procedures.

Complaints and Concerns

We must 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 procedures 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 existence of a complaints procedure does not in any way undermine efforts to resolve the concern informally. In most cases the class teacher will receive the first approach. These 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.

Purpose

The purpose of this Complaints Procedure is to:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;

- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's senior management team so that services can be improved.

Part 1 - Principles

The Complaints Co-ordinator

A member of staff, other than the headteacher, should be appointed as complaints co-ordinator, in order to:

- act as the point of contact for the complainant;
- ensure that complainants are able to properly access the complaints procedure, including being made clearly aware of the time limits within the process;
- investigate complaints as set out below;
- where possible, assist in the early resolution of complaints;
- ensure that proper records of all complaints are kept centrally;
- ensure that governors are informed on the number of complaints on a half-yearly basis;
- make recommendations about the complaints process to the governors on an annual basis.

(NB where the complaints co-ordinator is themselves an interested party in the complaint, it is expected that the co-ordinator's role would be fulfilled by the member of the SMT most immediately senior to the co-ordinator, and where the headteacher is the interested party, the role of co-ordinator should be taken by the chair of governors. Should any party to the complaint request a different member of staff to investigate the complaint then this same process will be followed.)

Investigating Complaints

It is suggested that at each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

Resolving Complaints

At each stage in the procedure it is necessary 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, where a complaint is deemed to be valid in whole or in part, 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 is useful if complainants are encouraged to state what actions they feel might resolve the problem at any stage. (NB An admission that the school could have handled the situation better is not the same as an admission of negligence.).

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.

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

At each stage it is important to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the headteacher after a meeting with the complainant. It is not possible for a complainant to bypass this sequential process.

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

Stage One: Complaint Heard by Staff Member

Where a complainant has made clear that they wish to register a formal complaint not a concern, the complaints co-ordinator should endeavour to investigate and resolve the complaint in line with the principles set out in part 1.

It is normally expected that a complaint will be investigated and a formal written response made within 15 working days of the complaint. In the absence of a written complaint, within 10 working days, the co-ordinator should produce a written record of

the complaint that is agreed by the complainant. It is expected that a complaint related to a specific incident would be made within 20 working days of the incident (allowing time for the matter to be dealt with as a concern in the first instance).

Should a complaint be made outside of this time limit, the complaints co-ordinator may indicate that this issue is insufficiently recent to be investigated and no further action taken (though this decision may itself be appealed through this process). The complaints co-ordinator is not able to investigate a complaint related to an incident that is more than 35 working days after the incident itself.

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

Stage Two: Complaint Heard by Headteacher

Where the complainant is dissatisfied with the way the complaint was handled at stage one or where they are in disagreement with the conclusions of the investigation or the actions resulting from their complaint, they may ask for the complaint to be heard by the headteacher. Such a request must be made within 5 working days of the completion of stage 1 of the complaint. Where the request is made outside of these time limits, the headteacher may agree to hear or not hear the complaint at their discretion.

The headteacher should conduct an investigation as outlined in part 1, including a review of stage 1 of the complaints procedure, and should give a formal written response within 10 working days.

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

Where the complainant is dissatisfied with the way the complaint was handled at stage two or where they are in disagreement with the conclusions of the investigation or the actions resulting from their complaint, they may ask for the complaint to be heard by the governing body complaints appeal panel. The complainant needs to write to the Chair of Governors giving details of the complaint within 7 working days of the conclusion of stage two. The Chair, or a governor nominated by the chair, will convene a GB complaints panel.

The panel can be drawn from the nominated members and will consist of three people.

The panel may choose their own chair (NB. Individual complaints may 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 panel must meet within 15 working days of the receipt of the complaint by the chair of governors and will make a formal written determination within 5 working days of their

meeting.

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.

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 will 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.

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.

The Role of the Clerk

The panel of governors considering complaints should be clerked by an independent member of school staff recommended by the headteacher. 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:

- 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.
- ensure that the complainant is notified of the panel's decision, in writing, with the panel's response.

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 school's 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.

Part 3 – Managing the Complaints Procedure

Governing Body Review

The GB should 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. Complaints information shared with the whole GB will not name individuals.

Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. Details of the Complaints Procedure should be included in:

- the governors' report to parents;
- the information given to new parents when their children join the school;
- the home-school agreement;
- 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.

Annex 1

King's Meadow School complaint form

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

Your name:

.....

Address:

.....

.....

.....

Postcode:

.....

Daytime telephone number:

.....

Evening telephone number:

.....

If applicable, name of child(ren) at school:

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?)**

Your relationship to the school, e.g. parent, carer, neighbour, member of public:

What actions do you feel might resolve the problem at this stage?

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

Signature:.....

Date:.....

Official Use:

Date of acknowledgement sent.....

By Whom:

Complaint referred to:

Date:

