

The Willows Primary School General Complaints Procedure

General Principles: The Right Approach

Parents and pupils should be encouraged to express their views on what goes on within school so that it receives an early warning of potential difficulties. Certain general underlying principles should be observed whenever concerns or complaints are raised.

1. Publicity

A complaints procedure should be easily accessible and well publicised. A summary of how the school deals with complaints should be included in the information given to new parents when their children join the school. Parents and children should be reminded of the system at regular intervals. Schools should prepare leaflets for parents explaining how problems are dealt with and how the complaints procedures work. Schools should consider parents who have English as an additional language and those with disabilities. If parents contact the LEA with their concerns when the school's internal procedures have not been fully exhausted, *they will be referred back to the school.*

2. Procedures should be as speedy as possible

Procedures should always be consistent and ensure that everyone involved is dealt with fairly. Each stage of the procedure should have a known time limit. Where it is not possible to meet this, information about progress must be given to the complainant. Care should be taken not to drag things out unnecessarily.

3. Support for complainant

As part of the general publicity about the complaints procedure, it is helpful for parents to know where they can go for information, advice and advocacy, if they require it. Ideally, support should be offered from individuals and organisations that are separate from those complained against. Parents raising concerns or complaints should be invited to be accompanied by a friend at any stage of the procedure.

4. Support for a person complained against

Staff who may be questioned as part of a complaints procedure investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case. They should be told about the procedure and be kept informed of progress.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure that puts the complaints procedure on hold. If so, the complainant should be dealt with by the usual complaints procedures.

5. Confidentiality

It is very important to treat conversations and correspondence with discretion. It is vital for parents to feel confident that their complaint will not penalise their child. However, from the outset all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure. It should be at the Headteacher or Governing Body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

6. Redress

If the outcome of the complaint procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of an apology, an explanation, a promise that the event complained about will not recur or an undertaking to review school policies or practices in the light of the complaint. Advice should be taken from the LEA if litigation could be possible.

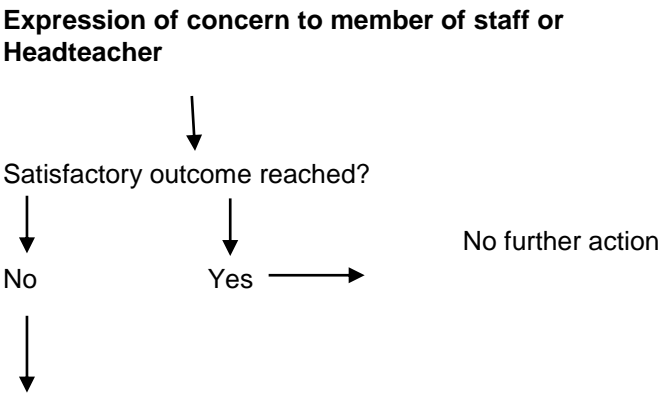
7. Staff Awareness and Training

School staff should be familiar with the procedures so that they can advise parents about their operation.

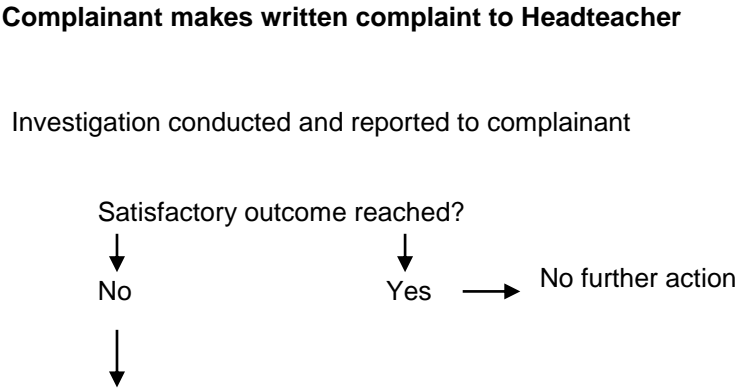
8. Record Keeping

If complaints are to contribute to raising the quality of education, then they need to be monitored termly by senior staff and governors. Recording should begin at the point when a concern or initial complaint has become the kind of complaint that can not be resolved on the spot but needs investigation and/or consultation with others in school and will require a later response to the parent. Recording at the earliest stages need only be a very basic record of the complaint giving the date, name of parent and general nature of complaint. A pro forma could be used.

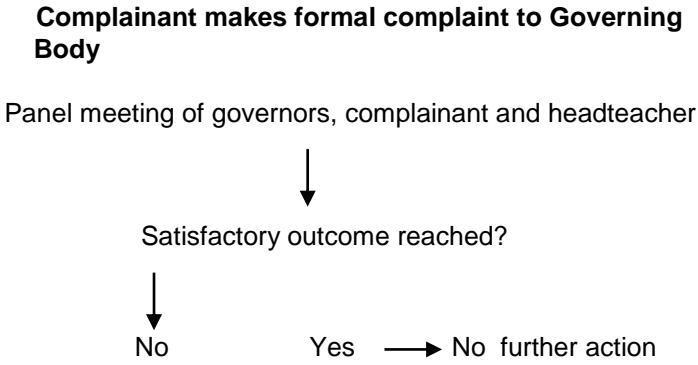
**Stage One:
Informal**



**Stage Two:
Head's
Investigation**



**Stage Three:
Governors'
Review**



**Stage Four:
Beyond the
Governing
Body**

Complainant refers to Secretary of State or to Ombudsman

Stage 1: Informal

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or school secretary or headteacher, depending on whom the parent first approached. Parents must feel able to raise concerns with members of staff without any formality.

Should concerns be raised with staff, they would be expected to make a professional judgement as to whether the headteacher should be informed of the complaint at this stage.

The procedure for school to use at stage 1

1. Parents have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.
2. If the member of staff first contacted cannot immediately deal with the matter a clear note is made of the complainant's name, address/phone number together with the date.
3. Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure that the referral has been successful.
4. In smaller schools or on certain major issues, the Headteacher may decide to deal with concerns directly at this stage.
5. If the concern relates to the Headteacher, the parent is advised to contact the Chair of the Governing Body.
6. The staff member dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.
7. Where no satisfactory solution has been found within 10 days, parents are asked if they wish their concern to be considered further. If so they are given clear information about how to proceed and about any independent advice that may be available to them.

Stage 2: Referral to the Headteacher (or designate) for investigation

At this stage it has become clear that the concern is a definite complaint. In some cases the Headteacher has already been involved in looking at the matter; in others it is his/her first involvement.

As headteachers have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various 'stages' in a

complaints procedure is to reassure complainants that their grievance is being heard by more than one person.

The procedure for school to use at Stage 2

1. The Headteacher acknowledges the complaint orally or in writing within 3 working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be written within 10 working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.
2. The Headteacher provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is made clear to the complainant that if s/he wishes s/he may be accompanied to any meeting by a friend who can speak on his or her behalf.
3. If necessary, the Headteacher should interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/carers present. In some situations circumstances may prevent this. If so, another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against the needs of that person should be borne in mind.
4. The Headteacher keeps written records of meetings, telephone conversations, and other documentation.
5. Once all the relevant facts have been established, the Headteacher should then produce a written response to the complainant, or any wish to meet the complainant to discuss/resolve the matter directly.
6. A written response includes a full explanation of the decision and the reasons for it. Where appropriate this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within five weeks of receiving the outcome letter.
7. If a complaint is against the action of a headteacher, or if the headteacher has been very closely involved at Stage 1, the chair of the governing body should carry out all the Stage 2 procedures.

Stage 3: Review by the governing body

Complaints only rarely reach this formal level, but it is important that the governing body is prepared to deal with them when necessary. At this stage, the school should seek advice from any relevant authority e.g. LEA, Board of Education (C of E) or Diocesan Schools' Commission (RC).

It is important that this review is not only independent and impartial but that it is seen as being so. If an individual governor is approached with a complaint the complainant should be referred directly to the headteacher. The governor should not normally become involved in the complaints procedure. If an individual governor decides to take up a complaint on behalf of an individual or a group, s/he should not take any part in the formal hearing of the complaint.

Complaints should not be raised at full meetings of the governing body and should not be reported to the governing body until resolved by the appropriate panel and then not in detail.

Parents inevitably see many complaints as being 'against' a particular member of staff. However, complaints reaching this stage will have done so because the complainant has not been satisfied by the headteacher's response at the earlier stage of the procedure. It may be appropriate for the governing body to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

The procedure for review by the governing body

1. Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed.
2. The clerk to the governing body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by a panel of three members of the school's governing body within 20 working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the panel members.
3. The clerk should arrange to convene a Complaints Panel elected from members of the governing body. It may be necessary for the governing body to appoint reserves to this Panel to ensure that three governors are available to carry out their task within the set time.
4. The Panel members should be governors who have had no prior involvement with the complaint. Governors will want to be sensitive to issues of race, gender and religious affiliation. A chair should be elected.
5. The Chair of the Panel will ensure that the complaint is heard by the Panel within 20 working days of receiving the letter in 3.2. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to Panel members.
6. The Chair of the Panel will write and inform the complainant, headteacher, any relevant witnesses and members of the Panel at least 5 working days in advance of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

7. The Chair of the Panel should invite the headteacher to attend the Panel meeting and to prepare a written report for the Panel in response to the complainant. The headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the headteacher's report should be received by all concerned - including the complainant - at least 5 working days prior to the meeting.
8. The involvement of staff other than the headteacher is subject to the discretion of the Chair of the Panel.
9. It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.
10. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish the facts and make recommendations that will satisfy the complainant that his/her complaint has at least been taken seriously.
11. The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.
12. If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
13. The meeting should allow for:
 - the complainant to explain their complaint and the headteacher to explain the school's response;
 - the headteacher to question the complainant about the complaint;
 - the complainant to question the Headteacher and/or other members of staff about the school's response;
 - Panel members to have an opportunity to question both the complainant and the headteacher;
 - either party to have the right to call witnesses (subject to the approval of the Chair of the Panel) and to have the right to question witnesses;
 - final statements by both the complainant and the headteacher.
14. The Chair of the Panel will explain to the complainant and the headteacher that the Panel will now consider the evidence presented, and a written decision will be sent to both parties within 15 working days. The complainant, headteacher, other members of staff and witnesses will then leave.
15. The Panel will then consider the complaint and all the evidence presented and:

- reach a unanimous, or at least a majority, decision on the complaint;
 - decide upon the appropriate action to be taken to resolve the complaint and, where appropriate;
 - recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
16. A written statement outlining the decision of the Panel must be sent to the complainant and headteacher. The letter to the complainant should explain how a further appeal can be made, and if so, to whom.
17. The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Stage 4: Beyond the Governing Body

4.1 The Secretary of State

Complaints can be taken to the Secretary of State for Education and Employment under section 496 of the Education Act 1996 on the grounds that a Governing Body or LEA is acting or proposing to act unreasonably, or under section 497 of the same Act, on grounds that either the Governing Body or the LEA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LEA for more information in order to consider the complaint. These powers relate to both community and voluntary schools.

4.2 The Local Government Ombudsman

Complaints about the maladministration of Local Authority services including the way it operates any general school complaints procedure could be made to the Ombudsman. However the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation.

Annexe 1: PROCEDURE FOR COMPLAINT APPEAL MEETING

1. Chair to open meeting and explain the procedure
2. The parent will explain the events which have brought about the complaint
3. The headteacher will then be given the opportunity to question the parent
4. The panel will then be given the opportunity to question the parent
5. The headteacher will then put his/her case to the panel
6. The parent will then be given the opportunity to question the headteacher
7. The panel will then be given the opportunity to question the headteacher
8. The parent and headteacher will then be asked to sum up their respective cases
9. The headteacher and parent will be asked to withdraw
10. The panel will deliberate in private and the parties will be advised as to the timescale for a response