



# Complaints Policy

Date ratified: \_\_\_\_\_

Review date: \_\_\_\_\_

\_\_\_\_\_ Chair of Governors \_\_\_\_\_ Headteacher

# Kobi Nazrul Primary School

## Complaints Procedure Policy, May 2015

We want to give you and your child the best possible service.

It is only by listening to your views that we can find out what we are doing well and what we need to improve.

We are committed to continuously improving the school for the benefit of your child and we will act on what you tell us.

We aim to provide the best service and education for your child but we know that sometimes things can go wrong. We welcome your views and concerns/complaints, as they help us learn and improve. We are also delighted to hear when things are going well. We make sure that our staff know when someone is pleased, as this motivates them and makes their work even more satisfying.

**This guidance will help you understand how to resolve concerns you may have about your child's education about issues such as:**

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

Whenever you contact us, we will always:

- be polite, helpful and honest, as we hope you will be
- treat you with respect, as we would like to be treated
- treat you fairly
- listen to your views
- make it clear what we can and cannot do
- admit when things go wrong and do our best to put them right

If you are making a complaint, we will also:

- carry out enquiries independently and fairly
- manage your complaint as quickly and effectively as we can
- keep you informed of our progress

### **Definition of a complaint**

A complaint is an expression of significant dissatisfaction, however made, by a person or persons with a legitimate interest in the school about the practices or policies of the school, the conduct, action or omissions of members of staff employed at the school or about the standards of teaching.

Complaints may be written or verbal. It is not always appropriate for complaints to be put in writing as this might unnecessarily formalise the situation, resulting in the complaint taking a more defensive or entrenched position and making the conflict more difficult to resolve.

For a complaint to merit serious consideration it should meet at least one of the following criteria:

- It is first hand
- It relates to recent events
- The events in question can be dated
- There is independent corroboration of the allegations

It is important to bear in mind that every expression of concern is not a complaint. Discretion needs to be applied in determining whether action over and above the normal day to day discussions regarding parental concerns is necessary. All senior managers are expected to exercise such discretion before referring matters to the Headteacher.

Problems and expressions of concern should be dealt with as far as possible, at the point of first contact. This is usually the class teacher. If it cannot be resolved at this level then the teacher should refer the matter to a senior leader.

### **Responsibilities**

The conduct of the school is under the direction of the Governing Body. The headteacher is responsible for the internal organisation and day to day leadership and management of the school.

- This makes the Headteacher responsible for investigating complaints in the first instance and, if appropriate, referring complaints to other members of staff to deal with
- The Governing Body may be called upon to consider, resolve or adjudicate if complaints are referred to them by the Headteacher or by a complainant who is not satisfied with the result of the first stage(s) of the process
- If the complaint is not resolved at school level the interested parties have recourse to the Department for Education or to the legal process.

In the event of a complaint being made to a member of the Governing Body, the complainant should be advised to speak to the Headteacher, so that an attempt can be made to resolve the matter. Governors must not prejudice themselves by discussing the complaint, as this would prevent their participating in a panel at a later stage. If at any point there are issues regarding school staff that may be dealt with under the disciplinary or other staff procedures, personnel advice should be sought.

### **Aims**

- To underpin the school's aims and objectives by giving due consideration to the complaint of parents or other parties.
- To ensure that all complaints are considered fully, fairly, promptly, confidentially and in the first instance, on an informal basis.
- To ensure that there is an effective partnership between the school, staff and parents
- To ensure that all members of the school community can have their points of view heard.

The Governing Body may be called upon to consider, resolve and/or adjudicate if complaints are referred to them by the Headteacher or by the complainant who is not satisfied with the result of the informal process.

If the complainant is not resolved at school level the interested parties have recourse to the Department for Education or to the legal process.

### **Referral Structure**

In most cases referral will be as follows:

- Class Teacher
- Deputy Headteacher
- Headteacher
- Chair of Governors
- Governing Body Complaints Appeal Panel

On occasions it will be appropriate to by-pass levels in the referral structure.

- When a complaint is made to the Headteacher, they may decide to deal with it or to refer it to an appropriate level in the structure. When the Headteacher has asked a colleague to deal with a complaint, feedback should be given to the Headteacher.
- Where a teacher other than the Headteacher receives a complaint (as opposed to an expression of concern) and deals with it, the Headteacher should be notified of the complaint and how it was resolved.
- If all informal channels have been exhausted and there is still dissatisfaction, the complainant should be made aware of how formal procedures can be initiated.

### **Investigating complaints**

At each stage, the person investigating the complaint will make sure 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 about, 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 or arrange for an independent note taker to record minutes of the meeting

### **Resolving complaints**

- At each stage in the procedure we will keep in mind ways in which a complaint can be resolved. This may be acknowledgement that the complaint is valid in whole or in part and may include one or more of the following:
  - An apology
  - An explanation

- An admission that the situation could have been handled differently or better  
(An admission that the school could have handled the situation better is not the same as an admission of negligence)
- 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.
  - Complainants will be encouraged to state what actions they feel might resolve the problem.
  - In resolving the complaint we will aim to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred, so as to create a positive atmosphere in which to discuss any outstanding issues.

### **Stage 1 (informal): complaint heard by staff member**

It is in everyone's interest that complaints are resolved at the earliest possible stage. First, we hope you will speak to the relevant member of staff as soon as you have a concern. This will normally be the class teacher. We operate an open door policy and recognise that the Headteacher may be involved in dealing with complaints at the informal stage. This informal approach is nearly always the quickest and most effective way of resolving your concerns.

### **Possible Outcomes at the Informal Stage**

- The matter is resolved.
- When informal procedures have been exhausted, complainants should be informed clearly by the Headteacher that the matter about which they have complained has been dealt with appropriately by staff within the context of the school policies and procedures.
- The complaint has been found by the Headteacher to be valid and that the Headteacher, within his/her responsibility for the overall internal management of the school, will take appropriate action.
- The Headteacher or the complainant will refer the matter to the Governing Body for their consideration.

### **Complaints made to the Governing Body**

In the event of a complaint being received directly by the Governing Body from a parent or other stakeholder in the school, governors should have regard to the following:

- Any complaint to the Governing Body or one of its members should be passed to the Headteacher for investigation. The Headteacher, if he/she has not already done so, should follow the informal procedure outlined above to attempt to resolve the matter and report the outcome to the complainant and details of action taken to the Chair of Governors.
- If the Chair of Governors is satisfied that the informal procedures have been exhausted and the complaint is still not resolved, he/she may, after further discussion with the Headteacher, decide to initiate the formal procedure.

- In the event of the complaint being about the Headteacher, the Chair of Governors will inform the Headteacher of the complaint and then attempt, through an informal approach to resolve the matter.
- The complainant will be advised of the Chair's conclusions.

## The Formal Procedures

### **Stage 2 (formal): complaint heard by the Headteacher**

If the complainant is unhappy with the response from the informal stages they should speak to the Headteacher who will either investigate the complaint directly or delegate the task of collating the information to another member of staff. It will be the Headteacher who makes the decision about the action to be taken.

In informal attempts to settle the complaint have failed to satisfy the complainant, he/she should set out fully in writing and submit this to the Chair of Governors (using the attached form). Staff are available to support in completing the forms and arrangements for interpretations will be made as needed.

Receipt of the complaint will be acknowledged in writing by the Chair of Governors, the Vice-Chair if the Chair is not available or the Clerk. A copy of this Complaints procedure will be enclosed with the acknowledgment.

### **Stage 3 (formal): complaint heard by the Chair of Governors**

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 endeavor to set up the meeting **within 10 working days**. If that timescale is not possible you will be told the reason.

### **Stage 4 (formal): complaint heard by Governing Bodies Complaints Appeal Panel**

- 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. This panel should be set up at a properly convened meeting of the full governing Body. The panel will, where possible, reflect a cross section of governors, who have no direct interest or involvement in the case.
- 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).

- **Roles:**

**The role of the clerk:**

Any panel or group of governors considering complaints will be clerked. The clerk will be your contact point and will:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all and that the venue and proceedings are accessible;
- collate any written material and send it to all involved in advance of the hearing (at least five school days in advance);
- meet and welcome all people who are attending the hearing as they arrive;
- record the proceedings;
- notify all parties of the panel's decision.
- As best practice, the clerk will share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

**The role of the Chair of the Governing Body or nominated governor:**

- Check that the correct procedure has been followed;
- If a hearing is requested, 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.

- **At the hearing:**

- All parties involved in the dispute may be accompanied, if desired, by a friend, representative or interpreter and may call witnesses.
- The Headteacher (or Chair of Governors if the complaint is against the Headteacher) will explain what has already been done to attempt to resolve the complaint and the outcomes of any investigation. You and the Headteacher will be invited into the room where the panel is being held at the same time.
- The complainant will present his or her case and call any witnesses.
- The panel and Headteacher will have an opportunity to question the complainant and any witnesses.

- The Headteacher will have the opportunity to respond to the complainant and call witnesses if appropriate
- The panel and complainant will have the opportunity to question the Headteacher and witness(es).
- The Headteacher, followed by the complainant, will summarise their positions
- All but the members of the panel will withdraw while a panel decision is reached. The clerk will remain with the panel at this time.
- When the evidence has been fully considered and a decision made, the panel will notify, in writing, the complainant and the Headteacher of the outcome, giving an explanation of the conclusion, the reason for it, and any action taken, including details of any request made of those complained against to take particular actions in respect of the complaint. This will be done as quickly as possible, but within a maximum of five working days.
- 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.
- The Governing Body should be informed at their next meeting that a complaint has been received and dealt with. Details should not be divulged to the full Governing Body, or to any other party not directly involved, as to do so would violate confidentiality.

### **Taking a 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.

[www.education.gov.uk/heip/contactus/df](http://www.education.gov.uk/heip/contactus/df)

You should write to:

The School Complaints Unit (SCU)  
 Department for Education  
 2nd Floor, Piccadilly Gate  
 Manchester  
 M1 2WD

### **What will the Department for Education do?**

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation.

However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

NB: At present our Governing Body is an Interim Executive Board (IEB)

## **Kobi Nazrul Primary School Complaint Form**

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

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</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 you speak to and what was the response)?</b>

**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 acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

### **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 timescale.