

Woodcroft Primary School



School Complaints Policy

Audience: All staff and Parents *Date of issue:* September 2020

WOODCROFT PRIMARY SCHOOL

COMPLAINTS PROCEDURES

1. We trust your child is happy at this school. On occasions, however, a problem may arise. The great majority of problems can be sorted out informally – in person, by telephone etc. If you think that we have not taken action over a significant problem or we have made the wrong decision and you now wish to make a complaint the procedure is as follows.
2. General Complaints.
 - Take up the problem in the first instance with the class teacher.
 - If a satisfactory solution is not reached then please make an appointment with the Deputy Headteacher or Headteacher by contacting the school office or you may wish to consider whether to make a formal complaint in writing to the Headteacher.
 - If the problem is still not resolved then a formal complaint in writing can be made to the Chair of the Governing Body.
 - If you consider that the problem has not been resolved by the governing body you have the right to make a complaint in writing to the Chief Education Officer.
3. Other complaints.
 - If your initial complaint is about the headteacher write to the Chair of the Governing Body.
 - If your complaint is about a particular member of the governing body write to the Chair of the Governing Body.
 - If your complaint is about the Chair of the Governing Body write to the Chief Education Officer.
 - If you consider that the governing body is acting ‘unreasonably’ or is failing to carry out its statutory duties properly write to the Secretary of State for Education and Skills.

Notes of Guidance for headteachers and governing bodies.

Guidelines for headteacher dealing with a formal complaint in writing.

- Acknowledge the complaint in writing.
- Consider whether to offer the parent a meeting – if so, the parent should be allowed to bring a friend.
- Once a decision has been taken send a written response with an explanation for the decision and, if appropriate, what action the school will now take.
- Advise the parent that if they are not satisfied with the decision and wish to contact the governing body they should write to the Chair of Governors

Guidelines for governing bodies dealing with a formal complaint

- Decide whether the Chair of Governors should deal with complaints or whether a Complaints Committee should do so. It is suggested that a Complaints Committee should be composed of 3 governors. It should not include the headteacher.
- The written complaint should be acknowledged in writing. [Suggestions for an acknowledgement letter are attached]
- Request the headteacher to provide a written response/explanation. Decide whether or not to send this response to the parent with the query whether this satisfactorily answers the complaint.
- Decide whether or not to offer a meeting with the parent.
- If a meeting of the Complaints Committee is held it should invite the parent and headteacher to attend. The parent should be allowed to bring a friend. The aim of the meeting should be to try to resolve the complaint. The decision of the Committee should be given in writing to the parent and the headteacher. It should uphold or not uphold all parts of the complaint.
- The parent should be advised that if they are not satisfied with the decision then they can complain to the Chief Education Officer.
- Guidelines on the procedure/timetable for the Complaints Committee will be provided with the notes of guidance with the final model complaints policy

Complaints which could result in disciplinary proceedings against a member of staff

- If it seems that the complaint could lead to disciplinary proceedings against a member of staff you should contact your HR Officer at the earliest opportunity.

Complaints that involve racism and other equalities issues

- Contact the Council's Equalities Team at the earliest opportunity.
- Ensure that your procedure for dealing with such complaints ties in with your overall equalities policy, the council's commitment to the recommendations of the Stephen Lawrence inquiry and with your Race Equality Policy.

Complaints which involve a statutory appeals procedure

- Complaints about decisions relating to admissions, the statutory assessment of special educational needs and permanent exclusions can be heard by the appropriate panels.
- Accordingly the 'model' complaints policy is not appropriate to consider such complaints.

Complaints about physical/sexual/emotional abuse by an adult

- Refer to the Child Protection Procedures issued by the Barnet Area Child Protection Committee.
- Do not proceed with the 'model' complaints policy.
- Contact the Principal Education Social Worker without delay.

Complaints about inappropriate sexual behaviour of another pupil

- Refer to the Child Protection Procedures issued by the Barnet Area Child Protection Committee
- Do not proceed with the 'model' complaints policy.
- Contact Barnet Social Services without delay.

Complaints about the governing body.

- Anyone can complain to the Secretary of State for Education and Skills- either through the Department of Education and Skills or through the House of Commons, if s/he believes that a governing body is acting 'unreasonably' or is failing to carry out its statutory duties properly.

- If the Secretary of State agrees that the complaint is justified the governing body can be directed to act appropriately.
- If the governing body does not keep to such a Direction it may be legally enforced.

Complaints about the school's curriculum or its religious education

- The Local Authority is seeking the approval of the Secretary of State for procedures for handling complaints from parents who believe that either the governing body or the Local Authority are failing.
 - to provide the National Curriculum in the school or for a particular child,
 - to follow the law on charging for school activities,
 - to offer only approved qualifications or syllabuses,
 - to provide religious education and daily collective worship,
 - to provide the information that they have to provide,
 - to carry out any other statutory duty relating to the curriculum or
 - are acting unreasonably in any of the above cases.
- If the complaint is against the governing body, the first formal stage of the procedure will be for the governing body to consider the complaint.
- If the complaint is still not satisfied then the complaint will be put to the Local Authority.
- As soon as the Secretary of State has approved these procedures they will be detailed in the final model complaints policy.

Complaints which could involve the Ombudsman

- Certain complaints which are unresolved by the headteacher/governing body can be referred to the Ombudsman. Details are being clarified and these will be incorporated in the notes of guidance with the final model complaints policy.

Guidance on Stages of Complaint

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.

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 headteacher, 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 Headteacher

The headteacher'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 a 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 to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Governing Body 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 panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

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 it 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 the 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 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

Any panel or group of governors considering complaints must 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 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

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.

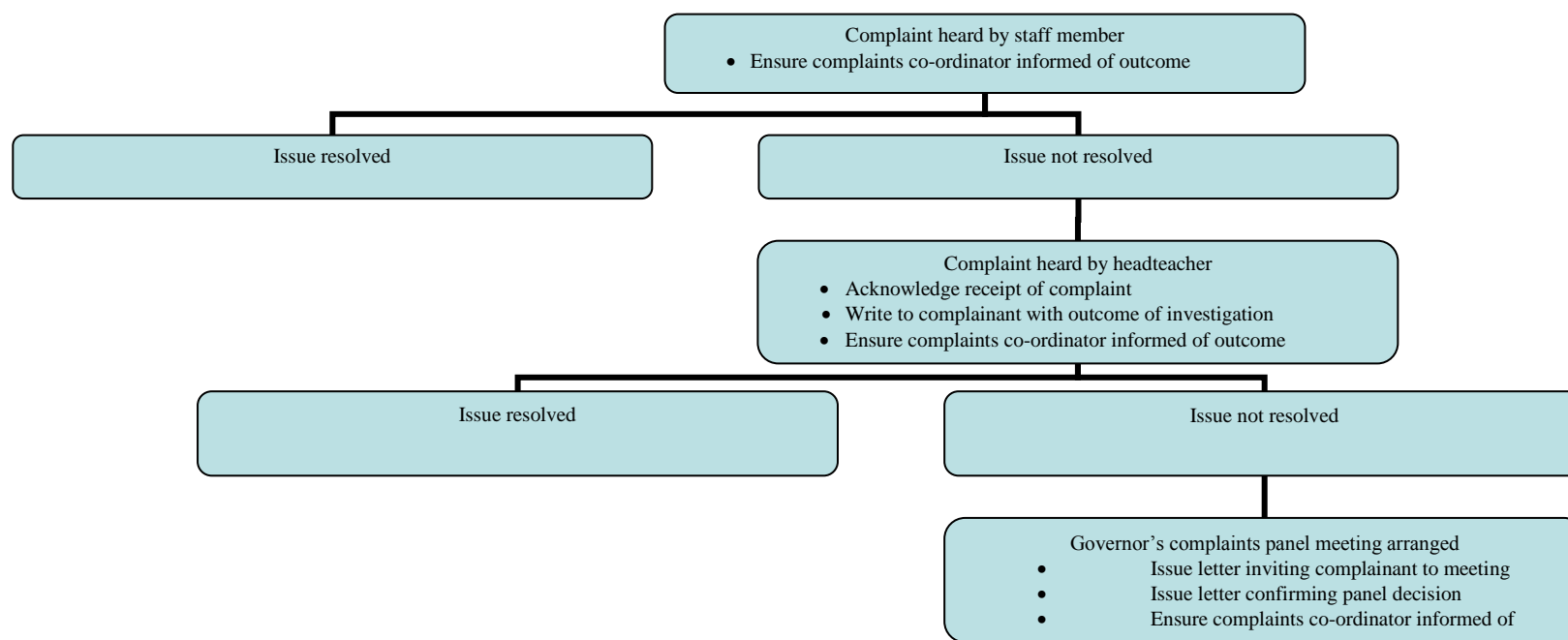
Checklist for a Panel Hearing

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.

Flowchart

Summary of Dealing with Complaints



Woodcroft Primary School Complaint Form

If you have tried to resolve your complaint with the class teacher and/ or deputy headteacher, please complete and return to
The Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's 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 this stage?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Examples of a letter that the Chair of the Governing Body may wish to use as response to a complaint

Dear _____ ,

Either

1. Thank you for your letter dated _____ giving details of the reasons why you are not satisfied with [name of the headteacher] response to your complaint about _____.

Or

1. Thank you for your letter dated _____ giving details of your complaint against [name of the headteacher]

Either

2. I shall be pleased to hold a meeting with you on [date/time/place] to try to resolve this complaint.

Or

2. I shall send a copy of your letter to [name of headteacher] with the request that s/he responds [within 5 or 10 school days?] to the points you raised. A copy of this response will then be sent to you. If you are not satisfied with [name of headteacher's] response *either* I shall be pleased to hold a meeting with you on [date/time/place] to try to resolve this complaint *or* I will arrange a meeting of the Complaints Committee to consider your complaint. Further details will be given to you in due course.

Or

2. I will arrange a meeting of the Complaints Committee to consider your complaint. Further details will be given to you in due course.

Yours sincerely,

Chair of the Governing Body.