



Lings Primary School

Complaints Policy

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1 COMPLAINTS PROCEDURE

1.1 Introduction

1. This Procedure will apply to most general complaints received by the school. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.
2. Complaints about delivery of the National Curriculum and the provision of religious education and collective worship will be dealt with by the requirements of Section 409 of the Education Act 1996.
3. Separate procedures exist also for appeals and special needs assessments and school admissions and exclusions. (See the SEN Code of Practice and Schools Admissions Code of Practice.)
4. Concerns about allegations of child abuse are dealt with through separate procedures that have been adopted for these purposes. (See Professionals and Child Protection Procedures and Practice and the DfES document *Safeguarding Children in Education: Dealing with Allegations of Abuse Against Teachers and Other Staff*: ref. DfES/2044/2005.)
5. Guidance on dealing with complaints linked to racism is contained in Annex B.

1.2 General principles

- The resolution of a justified complaint provides the potential opportunity for the school to improve its practice and develop further partnership with parents.
- The complaints procedure clearly outlines for parents how to raise concerns.
- The person closest to the cause of concern should deal with concern/complaint in the first instance.
- Confidentiality is important in securing the confidence of all concerned. However, the parties should realise that some information may have to be shared to carry out a thorough investigation.
- If the investigation of a complaint shows that it is justified, then the school will consider how to make amends in an appropriate way.
- All complaints are recorded and monitored to identify issues and allow any lessons to be learned by the school.
- Every complaint will be acknowledged as 'genuinely felt' by the Complainant.

THREE STAGES OF A COMPLAINT

1. Initial approach
2. Formal complaint to the Head Teacher or Chair of Governors
3. Appeal to Governor Committee

2.1 STAGE 1. INITIAL APPROACH

Guidelines/procedures

- If a parent or guardian has a concern or complaint, then in the first instance s/he must speak to their child's class teacher. Most concerns and complaints can be resolved informally, often immediately by the class teacher.
- Parents are required to make the complaint in person in the first instance. A preliminary discussion with a member of the school team closest to the cause of complaint eg class teacher will usually be enough to clarify/resolve the cause for concern.
- This discussion is held to clarify the nature of the concern and to provide an opportunity for the school to hear about it.
- The discussion is an opportunity to clarify what the parent may be seeking.
- If the member of staff first contacted is unable to deal with the matter immediately, s/he will make a firm arrangement to deal with it at a future date or refer the matter to the next senior member of the school team. In either case, a note of the name, date and contact details of the Complainant will be taken.

- If the concern relates to the Head Teacher, and having raised the concern with the Head Teacher the parent feels that s/he needs to take the concern further, than s/he is advised to contact the Chair of Governors.
- The staff member/Head Teacher dealing with the complaint will make sure that the Complainant is clear about what will happen next (if anything). This may be put in writing, if this is deemed the best way of making the next steps or outcome clear.
- If the parent raising the complaint feels that no satisfactory solution has been found after following the procedure set out above, then s/he should proceed to Stage 2, set out below.

2.2 STAGE 2. FORMAL COMPLAINT TO HEAD TEACHER OR CHAIR OF GOVERNORS

Guidelines

- The Head Teacher will take responsibility for dealing with Stage 2 complaints, unless the complaint relates to the Head Teacher.
- If the Complainant is unhappy with the action of the Head Teacher, the Chair of Governors should carry out all the Stage 2 procedures, with the support if necessary from another Governor.
- Individuals on the Governing Body will not become involved at this stage, to avoid prejudicing their possible future involvement at Stage 3.

Procedure

- Parents who wish to pursue a formal complaint at Stage 2 should put the complaint and the desired outcome in writing to the Head Teacher or Chair of Governors. The Head Teacher or Chair of Governors will acknowledge the complaint orally or in writing within three working days of receipt, giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this would be within ten working days. If it is not possible to deal with the matter in this time, the Complainant will be informed as to when it is likely to be concluded.
- The Head Teacher/Chair of Governors may offer an opportunity for the Complainant to meet him/her. The Complainant may bring a relative or friend to this meeting.

- If necessary, the Head Teacher/Chair of Governors will interview any witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil will also be interviewed.
- The Head Teacher/Chair of Governors will keep written records of meetings and telephone conversations and any other documentation.
- Once all the relevant facts have been established, the Head Teacher/Chair of Governors will either write to the Complainant or arrange a meeting to discuss or resolve the matter. This meeting will be followed up with a letter summarising the outcome of the meeting. The Complainant will be advised in the letter that if s/he remains unhappy with the outcome, s/he may appeal to a Panel of Governors. The Complainant must notify the Chair of Governors to that effect within two weeks of receiving the letter detailing the outcome of the complaint.

2.3 STAGE 3. APPEAL TO A PANEL OF GOVERNORS

Guidelines

It is in rare circumstances that a complaint will reach the appeal stage.

- The aim of the appeal to a Panel of *Governors* is to resolve the complaint where possible and achieve reconciliation between the School and the Complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action and to satisfy the Complainant that their complaint has been taken seriously.
- If a complaint reaches this stage, the *Governing Body* will remain impartial and independent. Generally, the *Chair of Governors* will not be on the Panel, as s/he may have been involved at an earlier stage.
- Individual *Governors* do not get involved in looking into complaints before this stage, to avoid prejudicing their potential involvement. If individual *Governors* are approached by parents or others with complaints, the Complainants will be reminded by the *Governor* of the School's complaints procedure, making the necessary introduction to a member of staff or *Head Teacher* where appropriate.
- Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response to that point. In this situation, the *Governors* will view the complaint as being against the School rather than an individual staff member whose actions may have lead to the original complaint.

Procedure

Upon receipt of a written request from the Complainant for the complaint to proceed to Stage 3, the following procedure must be followed.

- A suitable Clerk to the Appeals Panel will be appointed.
- The Clerk will write acknowledging receipt of the written request, informing the Complainant that it will be heard by a committee of the Governing Body within 15 working days of receipt.
- The Clerk will convene a meeting of a Panel of the Complaints Committee at a time which is mutually convenient for the Complainant and the School.
- The Clerk will ensure that the Complainant, Head Teacher and any other witnesses are given at least five working days notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the Complainant will inform him/her also of his/her right to be accompanied by a friend/relative who can act as an advocate. The Clerk will ensure that interpretation facilities are offered and made available if required. The letter will set out the procedure for the conduct of the hearing (see Annex A) and the Complainant's right to submit further written evidence to the Complaints Committee.
- The Clerk will invite the Head Teacher to attend the hearing and to submit a written report for the Complaints Committee in response to the complaint. The Head Teacher may also invite the Chair of Governors or any other members of staff directly involved in matters raised by the Complainant to respond in

writing and/or in person to the complaint. Any involvement of other staff will be at the discretion of the Clerk to the Panel.

- All relevant documents should be received by all parties (including the Complainant) at least five days before the meeting of the Panel. This should provide adequate opportunity to read them prior to the start of the hearing.
- An Education Officer or member of the Governor Services may be invited to attend the hearing to advise the Panel.
- The Panel will elect a Chair who will ensure that proper minutes of the meeting are taken by the Clerk.
- The Chair of the Panel will try to ensure that the proceedings are sufficiently informal as possible so that the Complainant and other participants feel at ease.
- At the conclusion of the representations and questions, the Chair will explain that the Panel will consider the issues and write to both parties with their decision or judgement within five working days.
- Next, all except for the Governors' Panel and any advisors will then withdraw and the Panel will consider the evidence. This will include: a judgement about the validity of the complaint; appropriate actions to be taken by the School and the Complainant where appropriate; recommendations on changes to School's systems or procedures to ensure similar problems do not arise in the future.
- The School will keep a copy of all correspondence and notes confidentially on file. This will be separate from pupils' personal records.

- The broad outcomes recommended by the Panel can be reported to the next full Governing Body or appropriate Committee, with the identity of all those taking part kept confidential. The Governing Body will monitor implementation of any recommendations from the Panel.

3 THE ROLE OF THE LOCAL AUTHORITY

- The primary responsibility for resolving complaints rests with the Governing Body.
1998 Education Act, Part 11, Chapter 3, para 39[1]
The role of the Local Authority in schools' complaints is to provide advice to all parties.
- When the Schools Service receives a general complaint which does not come under one of the areas covered by statutory requirements nor is obviously concerned with child abuse or staff disciplinary matters, the Complainant will be referred to the School's Complaints Procedure, as set out above.
- Local Authority staff will give advice to Head Teachers, Governors and parents on the use of the Complaints Procedure.
- A Representative of the Local Authority can be invited to a Stage 3 hearing, in order to provide advice and guidance to all parties.
The cost of this service will be charged to the School at the current hourly rate for a Governor Services Consultant.

ANNEX A. Procedure for the Conduct of a Stage 3 Governors' Panel Hearing.

1. The Chair of the Panel will invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The Chair will explain to all present that the purpose of the hearing is to review the complaint, to try to resolve it and achieve reconciliation between the School and the Complainant. However, it may only be possible to establish the facts of the situation and make recommendations about future actions.
3. The Chair will then ascertain whether the proposed procedure is acceptable. If so, the hearing will proceed along the following lines.
 - (i) The Complainant describes his/her complaint and may call witnesses.
 - (ii) The Head Teacher may seek clarification from the Complainant and any witnesses.
 - (iii) The Governors' Panel or its Advisors may seek clarification from the Complainant and any witnesses.
 - (iv) The Head Teacher will respond to the complaint and may call witnesses.
 - (v) The Complainant may seek clarification from the Head Teacher and any witnesses.
 - (vi) The Governors' Panel (including any Advisors) may seek clarification from the Head Teacher and any witnesses.

(vii) The Head Teacher will be given the opportunity to sum up.

(viii) The Complainant will be given the opportunity to sum up.

(ix) Both parties will leave the room to allow the Panel to deliberate, but any Advisors may remain to offer technical and procedural advice.

4. The Panel should make a decision or judgement on:
the validity of the complaint; appropriate actions to be taken by the School and the Complainant where appropriate; recommendations on changes to School's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement may be communicated orally to all parties immediately. Alternatively, the outcome may be deferred, so that additional time may be taken for the Panel to consider the evidence.
6. In any case, the decision or judgement will be confirmed in writing to all parties within five working days.

NB. If there is more than one Complainant, this procedure should be followed for each one in turn, unless the Complainants agree to the complaint being heard with all Complainants present in one sitting.

ANNEX B. Dealing with Complaints about Racism in School.

1. Racist behaviour to a child

The procedures to be followed are contained in the Local Authorities guidance '**Notification of Racist Incidents**'.

2. Racist incident alleged against School staff.

- (i) The report/complaint should be made to the Head Teacher or, if the Head Teacher is the subject of the report/complaint, to the Chair of Governors.
- (ii) As racism is a disciplinary offence, the normal disciplinary procedures are followed.

3. Institutional racism

Parents who perceive that racist practice or policies are operated by the School should pursue these through the established Complaints Procedure.

Confirmatory Signatures

Signed.....Head Teacher

Signed.....Governor

Approved on.....

To be reviewed on.....