

# Complaints Procedure



Reviewed by: Ian Bingle

Governing Body

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# Whaley Bridge Primary School

## Concerns versus complaints

The school will take informal concerns seriously at the earliest stage and will, in the majority of cases, seek to handle these concerns without the need for escalation into the formal complaints procedure.

In most cases it is expected that the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. The individual concerned is empowered where possible, to resolve issues on the spot, including apologising where necessary.

Should the concern develop into a formal complaint, then this procedure will be followed.

## Dealing with complaints

The headteacher is responsible for the operation and management of the school complaints procedure. The headmaster may choose to nominate a member of his senior management team on a case by case basis to manage the complaints process on his behalf. This person (or where the headmaster himself if he personally deals with the complaint) will be referred to as 'complaints co-ordinator'.

## Framework of principles

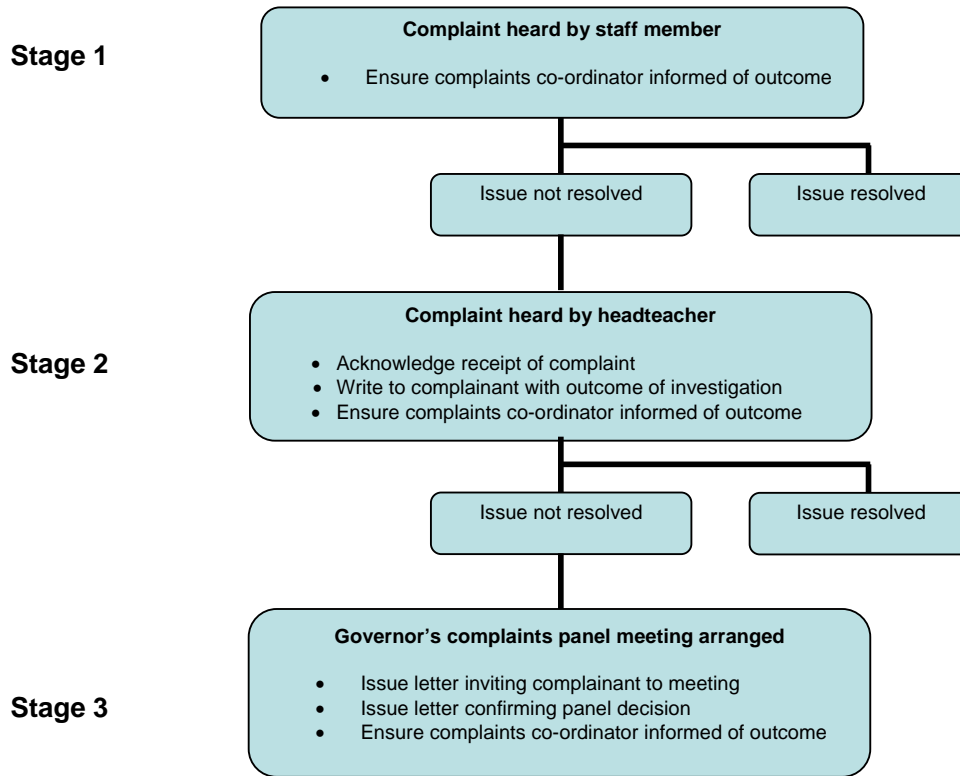
The WBPS Complaints Procedure seeks to:

- 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.

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## Stages of complaint

The school operates a 3 stage complaints process as summarised below.



Regardless of how many stages the school chooses, an unsatisfied complainant can always take a complaint to the next stage.

If the complaint concerns the conduct of the headteacher or a governor or where a headteacher or governor has been involved in the issue previously, the complainant should write to the Chair of the Governing body for further advice.

## Investigating Complaints

At each stage, the person investigating the complaint (the complaints co-ordinator), will make 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;

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- 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 we will seek to determine 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, 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.

The complainant will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

It is important to identify areas of agreement between the parties and also to clarify any misunderstandings that might have occurred.

### Time Limits

It is the school's intention that complaints will be considered, and resolved, as quickly and efficiently as possible. However, where further investigations are necessary, the complainant will be informed as to the progress and likely timescales involved as well as any explanation due for any delays incurred.

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## **Stage One: Complaint Heard by Staff Member**

It is in everyone's interest that complaints are resolved at the earliest possible stage.

Should a complainant indicate that he/she would have difficulty discussing a complaint with a particular member of staff, they should contact the complaints co-ordinator who can refer the complainant to another staff member.

Where the complaint concerns the headteacher or a governor, 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 will be the overriding factor.

Where the first approach is made to a governor, they will refer the complainant to the appropriate person and advise them about the procedure. Governors will 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.

The member of staff initially hearing the complaint will ensure that the standard complaint form (Appendix A) is **fully** completed. Where the complainant has previously filled out this form in isolation, the staff member should ensure that they go over it with the complainant so that a complete picture of the complaint and subsequent actions are fully documented. It is important at this stage to ask (and record) what actions the complainant feels are appropriate to resolve the problem at that stage.

The member of staff will seek to resolve the complaint themselves if at all possible (as per the "Resolving Complaints" section above) which may involve further investigation and interviews as per the "Investigating the Complaint" section above.

The agreed resolution will be documented and the complaints co-ordinator will be informed.

Where this is not possible or where resolution offered would not substantially meet the complainants own evaluation of what would resolve the complaint, then the member of staff should indicate that the complaint will be escalated to Stage 2 and the complaints co-ordinator informed.

## **Stage Two: Complaint Heard by Headteacher**

The headteacher will acknowledge receipt of the claim.

The headteacher will conduct their own investigation (which may additionally look at the way the complaint was handled at stage one) and write to the complainant with the result of that investigation.

The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

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## **Stage Three: Complaint Heard by Governing Bodies Complaints Appeal Panel**

Should the complainant still be dissatisfied with the outcome of stages one and two, they should 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 should 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 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.

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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**

The Appeals Panel will 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 will:

- 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

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- 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 & Further Recourse

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 additionally needs to explain the complainant's further right of appeal which, in the first instance, would be to the local authority education department. Please note, the education department has only limited powers to intervene in complaints about schools and would only normally become involved with very serious complaints such as allegations of general breakdown of discipline or a school not delivering the national curriculum.

Letters should be addressed to Derbyshire County Council, County Hall, Matlock, DE4 3AG (Telephone 08456 058 058). Further information may be obtained from their website at [www.derbyshire.gov.uk](http://www.derbyshire.gov.uk)

### 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.

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## Appendix A - Complaints form

Please complete and return to ..... (complaints co-ordinator) 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.  
(Whom did you speak to and what was the response)?**

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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: