



Complaints Policy

**Date agreed by Governors:
8th May 2015**

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Purpose

1. To establish a procedure for dealing with complaints relating to the school and to any community facilities or services that the school provides, as required by section 29(1)(a) of the Education Act 2002. In establishing and publicising these arrangements the Governing Body will have regard to guidance given by the Secretary of State. A copy of Section 29 is given as Annex F.

Scope

2. All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except those defined in Section 409 of the 1996 Education Act, which allows an LEA to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LEA or of a Governing Body in relation to a statutory duty or power. This would include Admissions, the provision of an appropriate curriculum, SEN, and Exclusions Appeals. The LEA has a separate procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school.
3. In addition, there are certain complaints which fall outside the remit of the Governing Bodies Complaints Procedure, for example, staff grievances or disciplinary procedures. The governing body will ensure that any third party providers offering community facilities or services through the school premises, or using school facilities [even if it is a letting for a wedding reception], have their own Complaints Procedure in place. This will be done by making it a condition of all lettings.

Additional Information

Anonymous Complaint

4. An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.

Raised more than 3 months after

5. To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.

Vexatious Complaint

6. If properly followed, a good Complaints Procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, this will be deemed a vexatious complaint and the Chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed. A sample letter is Annex C.

Time Limits

7. Complaints need to be considered and resolved as efficiently as possible. This Complaints Procedure includes realistic time limits for each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay. Investigation of any complaint will begin within 5 working days of receipt.

General Principles

8. This Complaints Procedure will:
 - 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.

Principles of investigation

9. Principles of investigation to be followed in this procedure:
 - to establish what has happened so far, and who has been involved;
 - to clarify the nature of the complaint and what remains unresolved;
 - to meet with the complainant or contact them (if unsure or further information is necessary);
 - to clarify what the complainant feels would put things right;
 - to interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;

- to conduct interviews with an open mind and be prepared to persist in the questioning;
- to keep notes of interview(s).

Managing Complaints

Recording Complaints

10. A complaint may be made in person, by telephone, in writing or on the complaint form (Annex A). At the end of a meeting or telephone call, the member of staff will try to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. The school will record the progress of the complaint and the final outcome.

Governing Body Review

11. The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not identify individuals. The Head Teacher will provide information on an annual basis to the governing body or relevant committee. This will indicate the number and types of recorded complaints, level at which considered and outcomes.

12. As well as addressing an individual's complaint, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, the school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body is a useful tool in evaluating a school's performance.

13. There is a legal requirement for the Complaints Procedures to be publicised. The school has decided how to fulfil this requirement by putting details of the Complaints Procedures in:

- the school prospectus (a model paragraph is Annex B);
 - the governors' report to parents;
 - the information given to new parents when their children join the school;
 - home school bulletins or newsletters;
 - documents supplied to community users including letting agreements;
- The school will have available for parents the complaints leaflet provided by the LEA and will display the accompanying poster in a public area. A copy of the leaflet's text is Annex G.

Resolving Complaints

14. Complainants 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.
15. An effective procedure helps identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

If the Complaint has Foundation

16. At each stage in the procedure the school and/or Governing Body will seek to resolve the complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to give 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 the light of the complaint.

17. However it may be that there are other outcomes as follows:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. [Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released]
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed]

The Stages of Complaints

18. This school Complaints Procedure has well-defined stages. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved. Also, further investigations may be required by the Head Teacher after a meeting with the complainant.

19. Three stages are set out:

- **Stage 1: complaint heard by staff member concerned;**
- **Stage 2: complaint heard by Head Teacher or representative;**
- **Stage 3: complaint reviewed by Governing Body's Complaints Committee**

Stage 1

20. The complainant is normally expected to arrange to communicate directly with the class teacher concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. In the case of serious concerns it may be appropriate to address them directly to the Head Teacher. An unreasonable refusal by the complainant to attempt an informal resolution may result in the process being terminated.

Stage 2

21. If the complaint is not resolved at stage 1, the complainant must either put the complaint in writing and pass it to the Head Teacher, or ask for a meeting with the Head Teacher. A model Complaint Form is Annex A. The Head Teacher may delegate to a senior member of staff the responsibility to deal with the complaint. It will take place within 5 working days, other than in exceptional circumstances.

22. If writing, the complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Head Teacher may meet with the complainant to clarify the complaint.

23. The Head Teacher will collect such other evidence as is deemed necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish.

24. The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome, within 5 working days. The complainant will be told that consideration of their complaint by the Head Teacher is now concluded.
25. If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the complaint. The request should be made in writing to the chair of governors, via the school.

Stage 3

26. This review of the process followed by the Head Teacher shall be conducted by a Committee at least 3 or 5 members of the Governing Body. The matter may be considered through written submissions or by a Committee review of oral submissions. The format to be decided by the Chair of the Committee on the advice of the Head Teacher. The complainant should make this request in writing to the Chair of Governors via the school. The Committee aim to complete this process within 15 working days.

The Composition of the Complaints Committee

27. Individual complaints should never be considered by the whole Governing Body, as this could compromise the impartiality of any Committee set up for a subsequent disciplinary or grievance meeting concerning a member of staff.
28. The Governing Body will nominate a number of members to form a Committee with delegated powers to hear complaints at that stage. The Committee can be drawn from the nominated members (this can be all governors other than those employed at the school) and must consist of at least three or five people.
29. It is important that stage 3 is independent and impartial and that it is seen to be so. No governor may sit on the Committee if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the Committee, 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.
30. The Committee should appoint a chair, if the Chair of the Governing Body is not a member.
31. A checklist for a Committee meeting is Annex H. The process set out is based on the Head Teacher and complainant being present at the same time. There are occasions this is not the appropriate arrangement in order to ensure a fair and full consideration of the case. In such cases it is likely that the complaint will be seen first and the Head Teacher at a later stage.

The Remit of the Complaints Committee

32. The Committee's terms of reference will be:

- Considering individual appeals;
- Making recommendations on policy as a result of complaints.

33. The Committee 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 seek to ensure that problems of a similar nature do not recur.

34. The Head Teacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the governing body. Therefore the remit of governors' consideration of a complaint about a matter of internal organisation and control will be as to whether the head has followed any relevant school policies; it is not to substitute its own operational judgement for that of the Head Teacher.

The Role of the Clerk

35. The Committee considering complaints must be clerked as it has delegated powers. The role of the Clerk is to record the proceedings. This can be carried out by one of the governors.

36. The school should;

- Set the date, time and venue of the meeting, 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 meeting;
- Meet and welcome the parties as they arrive at the meeting (if oral submissions)
- Notify all parties of the Committee's decision.

The Role of the Chair of the Committee

37. The role of the Chair of the Committee is to ensure that

- The correct procedure has been followed so that a governors meeting is the next stage;
- Arrangements are made for meeting the complaint;
- No member of the Committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage;
- The remit of the Committee 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;
- Written material is seen by all parties. If new evidence arises it would be useful to give all parties the opportunity to consider and comment on it.
- The Committee is open minded and acts independently

Specifically in relation to oral submissions, the Chair of the Committee should ensure;

- parents and others who may not be used to speaking at such a meeting are put at ease;
- the meeting is conducted in an informal manner with each party treating the other with respect and courtesy;
- each side is given the opportunity to state their case and ask questions;

The Committee Meeting

Written submissions

38. The Committee will first receive written evidence from the complainant.

39. The Committee will then invite the Head Teacher, as appropriate, to make a response to the complaint.

40. The Committee may also have access to the records kept of the process followed.

Oral submissions

41. There are several points which governors sitting on a Complaints Committee need to remember:

- a. The aim of the meeting, 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 that complainant might not be satisfied with the outcome if the Committee does not find in their favour. It may only be possible to establish the facts and make recommendations which will demonstrate to the complainant that their complaint has been taken seriously.
- b. The Committee will acknowledge that many complainants feel nervous and inhibited in a formal setting. As complainants, parents often feel emotional when discussing an issue that affects their child. The Chair of the Committee 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.

- c. Extra care needs to be taken when the original complainant is a pupil. It is expected that at the governor stage, pupils will be represented by their parents. The parent will have the opportunity to advise the chair which parts of the meeting, if any, the child needs to attend.

A checklist for conducting the Committee is Annex H.

Notification of the Committee's Decision

42. The Chair of the Committee needs to ensure that the complainant and Head Teacher is notified of the Committee's decision, in writing, usually within five working days of the Committee reaching a decision.

43. The decision may be that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The concern is not substantiated by the evidence;
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed;
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation [where this is practicable].
- If the complainant is dissatisfied with the decision or a decision has not been reached, the school will seek advice from the London Borough of Newham.

Model letters for notifying the decision are given as Annex D and Annex E.



School Complaint Form

Please complete this form and return it to the general office, you will receive an acknowledgement of its receipt and information about the next stage in the procedure.

School name:

Your name:

Relationship with school:
[e.g., parent of a pupil on the schools roll]

Pupil's name: **Pupil's DOB:**
[if relevant to your complaint]

Your address:
.....

Daytime telephone number:

Evening telephone number:

Please give concise details of your complaint, [including dates, names of witnesses etc], to allow the matter to be fully investigated.

(You may continue on separate paper, or attach additional paperwork, if you wish)

Number of Additional pages attached = 1 *(delete as appropriate)*



What action, if any, have you already taken to try to resolve your complaint?
[i.e., who have you spoken with or written to and what was the outcome?]

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

School use

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

Annex B

Model Paragraph for Inclusion in School Prospectus

Raising Concerns and Resolving Complaints

From time to time parents, and others connected with the school, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a “Complaints Procedure”.

The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly
- Address all the points at issue
- Inform future practice so that the problem is unlikely to recur.

Full details of the procedure may be obtained from the School Office.

Model Letter - Complaint Not Heard

Dear ,

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the Governing Body's Complaints Procedure as. The reason for this is that:

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may take advantage of stage 3 of the procedure by writing to the Clerk to the Governing Body, care of the school.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

Model Letter – Decision Notification

Dear ,

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- The concern is not substantiated by the evidence in that

OR

- The concern was substantiated in part/in full, as The school will review its practices/procedures..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely,

Head Teacher / Chair of Complaints Committee

c.c. Head Teacher

Model Letter – Review Outcome

Dear ,

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Committee has concluded that the Complaints Procedure was followed appropriately in respect of your complaint in that

Therefore, the matter is now closed as far as the school is concerned.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Committee has concluded that the Head Teacher followed the Complaints Procedure except

Therefore, the following action will be taken

Once this action has been completed the school will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Committee has concluded that the Head Teacher followed the General Complaints Procedure except that

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of Complaints Committee

c.c. Head Teacher

Section 29 of the Education Act 2002

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
 - (a) Establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - (b) Publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;



Three Stage Complaints Procedure

We hope generally to resolve your concerns informally. If we have been unable to do so you should take the following action:

Stage one – talk to the teacher concerned

First of all, talk to the teacher concerned. Difficulties can often be sorted out very quickly in this way.

The best person is the class teacher. If you are not sure who to contact and how, ask at the School Office.

You may need an appointment particularly if your complaint is complicated, or there are strong feelings on either side. In any case, please do not try to see the teacher during the School's teaching day when they are taking or preparing lessons.

You can bring a friend to support you, for example to help you put your case.

We hope you can reach an agreement that satisfies you and the School. If you cannot, then you can go to stage two.

Stage two – meet the Head Teacher

The complainant goes to the Head Teacher. This can only happen if you have been through stage one. We do recognise however that some complaints may go straight to the Head Teacher because of the nature or seriousness of your concerns.

The School Office will arrange for you to meet with the Head Teacher or another senior member of staff, for example a Deputy or Assistant Head Teacher. Afterwards the School will write to you saying what it has decided. We hope that the decision will satisfy you. However, if you cannot accept what the School says, then you can go to stage three.

The meeting with the Head Teacher will take place within five working days of your request. Then the School will write to you within five working days of the meeting.

Stage three – go to the governors

The complaint goes to the School's Governors. This can only happen if you have been through both stage one and stage two. Within 10 working days of getting the Head Teacher's decision, you should write to the Chair of Governors, care of the School Office.

A Committee of Governors will review your complaint. Afterwards, they will write back telling you their conclusions. We aim to complete this stage within 15 working days.

Checklist for a Governors Committee

The Committee 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 Head Teacher may question both the complainant and the witnesses after each has spoken.
- The Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head Teacher and the witnesses after each has spoken.
- The Committee may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head Teacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the Committee decides on the issues.
- The chair explains that both parties will hear from the Committee within a set time scale.

The process set out above is based on the Head Teacher and complainant being present at the same time. There are occasions where this is not the appropriate arrangement in order to ensure a fair and full consideration of the case. In such cases it is likely that the complaint will be seen first and the Head Teacher at a later stage. At the separate meeting with the complainant, the principles set out above should be followed.

Monitoring and evaluation

This policy needs to have regular evaluation and monitoring to ensure it is being implemented and is effective.

The senior management team will monitor the policy.

This Policy has been formally approved by the Governing Body of Gallions Primary School.

See minutes of ___/___/___ **Minute reference** _____

Signed by:

_____ Chair of Governors Date: ___/___/___

_____ Headteacher Date: ___/___/___