

GREAT WISHFORD C.E. (V.A.) PRIMARY SCHOOL



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Complaints Policy and Procedure

1. The key principles of the policy

1.1 Legal context

From September 2003 governing bodies of all maintained schools and nursery schools in England are required under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints.

The School Standards and Framework Act 1998 provided an additional function of the governing body to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

1.2 Summary

This policy sets out the procedures which Great Wishford School will follow whenever it receives a complaint for which there are not alternative statutory procedures (see section 1.3).

A summary of the various stages is given below:

Stage	Format for complaints procedure	Clarification of stage	Primary Responsibility
1	Informal discussion and resolution	Informal Stage	School Staff
2	Investigation by Head Teacher	Formal Stage	School Staff
3	Complaints committee review	Formal Stage	Governing Body
4	Beyond the governing body	Formal Stage	LA Secretary of state for education

Each of these stages will usually occur in order and there will usually be no return to previous stages (exceptions to this are noted within the procedure). See Appendix for flow chart.

It is stressed that the majority of complaints are resolved on an informal basis (Stage 1).

1.3 Circumstances under which this procedure should not be used

- Complaints about the national curriculum
- Collective Worship
- Religious Education
- Non-approved external qualifications or syllabuses
- Temporary withdrawal of pupils from all or part of the national curriculum
- Pupil admissions
- Pupil exclusions
- Pupil behaviour
- Homework

See Appendix 2 – Complaints with regards to pupils and curriculum

Issues related to child protection, criminal investigations and employee grievances must also be handled separately from this policy.

The complaints policy is distinct from formal staff disciplinary proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures.

If another policy is more appropriate than this complaints policy for any given situation then it should be used in preference to it.

1.4 Circumstances under which stages of the procedure should be missed out.

This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative statutory procedures (see above). In most cases any concern or

complaint, regardless of whose attention it is initially brought to, should be discussed informally (stage 1) before being submitted at any of the following consecutive formal stages.

However, occasionally there will be circumstances under which it is unsuitable for complaints to be dealt with in this way.

In all cases where the complaint concerns the school's Head Teacher directly, stage 2 will be missed out and the formal complaints procedure will begin at stage 3.

In some cases, it may be deemed inappropriate for individuals to discuss their concerns informally. In such cases, complainants may be directed to contact the Head Teacher directly (i.e. begin at stage 2). Complainants may choose to contact the Head Teacher directly of their own accord. In these cases it will be at the discretion of the head teacher as to whether or not it is appropriate for the complainant to discuss the matter informally (i.e. return to stage 1).

1.5 Who is allowed to complain?

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean the parents and carers of the school's pupils, but may include neighbours of the school, or any other members of the local community.

1.6 Aims and objectives of the policy

This complaints policy aims:

- To encourage the resolution of problems by informal means wherever possible.
- To ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits.
- To provide effective responses and appropriate redress to concerns raised.
- To maintain good working relationships between all people involved with the school.

1.7 Other relevant documents

The following documents may be relevant to those reading or implementing this policy in order to ensure it is the appropriate process for the complaint:

- Whistle Blowing Policy
- Staff Grievance Policy

- Staff Capability Policy
- Staff Disciplinary Policy

1.8 Monitoring complaints

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant
- The date and time at which complaint was made
- The details of the complaint
- The desired outcome of the complainant
- How the complaint is investigated (including written records of interviews held)
- Results and conclusions of investigations
- Any action taken
- The complainant's response (satisfaction or further pursuit of complaint).

1.9 Upholding or not upholding complaints

At each stage of the complaints procedure, the conclusion will be either:

- a) That the complaint is upheld (in part or in full) and where appropriate some form of action is taken

or

- b) That the complaint is not upheld and reasons for this are clearly given.

In the first instance, it may be appropriate to offer one or more of the following:

- An explanation
- An apology
- 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

In the second instance, the complainant may either choose to take no further action or take their complaint to the next relevant stage

1.10 Publicity and communication

There is a legal requirement for schools to publicise their complaints procedures. This complaints procedure may be accessed on the school's website and is available in hard copy from the school office.

All staff and members of the governing body should be made aware of the complaints procedure and the various stages involved.

At all stages of the complaints procedure, everybody involved needs to be clear about what is happening and what their responsibilities are. In addition, the complainant should be told how to proceed to the next stage of the procedure if and when their complaint is not upheld.

1.11 Confidentiality

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and accordingly, personal information will only be shared between staff on a 'need to know' basis.

1.12 Equal access, accompaniment and representation

Appropriate steps should be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

Should any meeting need to be held where any parties would have difficulties in terms of access, the school should be informed.

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

1.13 Wiltshire County Council

Wiltshire County Council Human Resources (HR) Department offer advice and guidance to head teachers and governing bodies who feel they need extra support when dealing with a complaint.

If a complaint concerns the Head Teacher, the Governing Body will be required to work with Human Resources from the outset.

In exceptional circumstances, Human Resources is able to investigate on behalf of either the Head Teacher or School Governors. Where possible, the intention will always be for Human Resources to support the school in its own investigations rather than take complete responsibility for them itself.

1.14 Time between stages

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further.

After each stage, the complainant and the individual who is dealing with their complaint at that time should agree an appropriate time limit within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

1.15 Changes to time limits and deadlines

In general the time limits and deadlines contained within this policy should be adhered to. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee that this is possible.

Where a complaint leads to criminal proceedings this will always be the case.

If and when it becomes necessary to alter the time limits and deadlines set out within this policy the complainant should be told and given an explanation as to why this has been the case.

1.16 Appeals

If at any stage, as the result of a complaint, a decision or course of action is taken with regard to an individual (apart from the complainant) which they feel is ungrounded, unjustified or incorrect they have the right to appeal.

It is recommended that school governing bodies use their established appeal procedures in order to facilitate this.

1.17 Vexatious Complaints

The Chair of Governors can write to a complainant and refuse to consider their complaint at stage 3 if he or she feels that there are insufficient grounds to do so. (If the complaint has already been considered at this stage, or if it has been closed.)

2 Key stages of complaints

2.1 Introduction

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints.

2.2 Stage 1 – Informal discussion: Who to speak to informally

- a) Individuals may decide to raise their concerns with a member of school administrative staff, class teacher, senior teacher, Governor or Head Teacher informally depending on their wishes and with whom they want to discuss the situation. The person responding to the complaint ensures the complainant is clear as to what action will be taken or monitoring of the situation is to be set up. The person needs to make a note of complainants name, phone number and date with a commitment to respond by a specific time and day to feedback on agreed actions to be taken.
- b) The person to whom the complaint is brought may not be able to deal immediately with the matter. If so, that person needs to make a note of the complainant's name, phone number and date, with a commitment to respond by a specific time/day. The Head Teacher may be informed by the person to whom the complaint is brought to clarify that appropriate and timely action has been put in place.

2.3 Monitoring

It is not necessary to record or monitor complaints at this level.

2.4 Time scales

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

2.5 Response

The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

2.6 Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and told how to move on to the next stage.

3 STAGE 2: Referral to the Head Teacher : Formal Stage

3.1 Introduction

This is the first stage of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and

monitored as set out in the 'monitoring complaints' section of this document.

3.2 Informal discussion with Head teacher

Before proceeding with a formal investigation, the Head Teacher will meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Head Teacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do.

3.3 Submitting a formal complaint

By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and should be formally submitted in writing to the Head Teacher.

(As indicated within the 'equal access, accompaniment and representation' section of this policy, all complainants have the right to submit formal complaints, at this or any stage, which have been written by another individual on their behalf.)

3.4 Acknowledgement and time scales

The Head Teacher should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation.

3.5 The investigation

The Head Teacher will need to investigate the complaint and review any relevant documentation and information. If necessary, the Head Teacher will interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

(As indicated within the 'equal access, accompaniment and representation' section of this document, all individuals have the right at this or any other stages, to be accompanied or represented by a friend or relative at discussions and hearings. This includes the right of staff members to be accompanied by a representative from their Trade Union.)

2.1 Response

The Head Teacher will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken.

3.7 Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and told how to move on to the next stage.

4 STAGE 3: Review by Chair of Governors and possible Complaint Panel : Formal Complaint

4.1 Introduction

Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them.

Upon receiving a formally submitted complaint at this stage the Chair of Governors will usually choose to deal with it by holding Complaints Panel Reviews. However, in some cases, it may be possible and appropriate for the Chair of Governors to resolve the issue with the complainant by other means without the need for a Complaints Panel Review.

When stage 2 has been missed out (see section 1.4), this is the first stage under which a formal complaint about the head teacher will be dealt with.

The Appendix summarises the key roles and responsibilities of the complaints panel.

4.2 The Panel

The panel will generally consist of three Governors who have not previously been involved with dealing with the complaint. The panel should elect its own chair.

The Complaints Panel Review must be clerked. The clerk may be a member of the school staff, the clerk to the Governing Body or another governor. If required Human Resources will offer support and guidance to the clerk, the Chair of Governors and/or the members of the Complaints Panel on procedural issues but will not normally play any part in reviewing the details of the complaint itself.

4.3 Submitting a formal complaint

The complainant must submit a written request to the Chair of Governors for their complaint to be considered by a Complaints Panel Review.

4.4 Acknowledgement and time scales

The Chair of Governors should acknowledge receipt of this letter within 5 school days if possible but no more than 10 at most and by writing to the complainant. This letter will inform them that their complaint will be heard by a complaints panel within 15 school days.

4.5 Preparation

The Chair of Governors will then contact the clerk and ask him or her to begin making preparatory arrangements.

The clerk will convene a meeting of the Complaints Panel. The membership of the Complaints Panel will be confirmed, a date and time will be arranged for a review and all existing relevant documentation will be given to the three appointed governors.

The clerk should then formally write to the complainant, the Head Teacher and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the review.
- Of the aims and objectives of the review and how it will be conducted.
- That any documentation they wish the panel to consider must be returned to the Clerk no later than 5 working days before the review takes place.
- Of the rights of equal access, accompaniment and representation as set out within this document.
- How and when the panel will reach their decision.

It is the responsibility of the clerk to ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

4.6 The Review

The review should allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The review will, therefore, usually operate according to the following format:

- The chair will introduce all parties to one another and explain the principles, objectives and format of the review
- The complainant will be given the opportunity to explain their complaint. Following this the Head Teacher and the complaints panel will be allowed to ask the complainant questions.
- The Head Teacher will then be given an opportunity to explain the school's official response, interpretation or view about the complaint. Following this the complainant and panel will be allowed to question the head teacher.
- Every party will be given the opportunity to call witnesses and question witnesses called by other parties.

- The Head Teacher and the complainant will both be given the chance to give final statements.
- The review will be concluded by the Chair who should explain that the Complaints Panel will consider its decision and write to both parties within 5 working days informing them of the outcome.

This format will need to be altered under certain circumstances, including instances where Human Resources rather than the Head Teacher, has played an investigating role. Ultimately, the chair of the meeting has control over its proceedings.

4.7 After the Review

The Complaints Panel will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or at least a majority decision, on the complaint
- Decide upon the appropriate action (if any) to be taken
- Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again.

This information will be included in both the letters to Head Teacher and the complainant.

4.8 Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and told how to move on to the next stage.

See Appendix 3 for roles and responsibilities

Anonymous Complaints

- Anonymous complaints should not be followed up with action against any named individuals. Criticism or complaints of this sort should only be used as a pointer to possible concerns.
- However, it is important to make sure that our employees have a formal and confidential route through which to raise genuine concerns and that all employees are aware of that route. That is the rationale behind the Public Interest Disclosure Act (PIDA) otherwise known as the '**Whistle-blowing Procedure**'. There is a policy and procedure on whistle-blowing for staff in our school. If having been provided with such a route staff choose not to follow this procedure to raise genuine concerns then they cannot then expect the employer to follow up anonymous allegations.
- Ultimately, if a person has allegations made about them then they are entitled to know who is making the allegations if they are to mount an effective defence, in accordance with the principles of **natural justice**. If an allegation is anonymous then it is impossible for that individual to defend themselves.
- On one side if the employer follows up on an anonymous allegation then there are some risks in respect of breaching these tenets of natural justice. However if an employer fails to address a serious issue raised anonymously then they are equally at risk for not looking into it to **some degree**.
- This means that the majority of anonymous allegations are not followed up and are viewed as unfounded accusations. Only concerns that add to a bigger picture of existing concerns, or concerns where the employer would be vulnerable, are looked into.
- Anonymous allegations against named persons by letter are rare. Most can easily be dismissed as vexatious or unfounded. However, there are a few circumstances where a preliminary informal investigation will be appropriate to establish the facts.
- These would include:
 - A statutory breach,
 - A criminal act - including fraud
 - Child protection concerns

- In considering the above the employer or responsible authority also needs to consider:
 - the seriousness of the issues raised;
 - the credibility of the allegation; and
 - the likelihood of being able to confirm the allegation from attributable sources.
- This means that a minority of anonymous issues need to be looked at if only for reassurances to the employer that nothing is amiss but cannot go into any formal process unless there is **clear factual evidence** that the issue in the anonymous letter is true.
- Anonymous allegations made about individuals in their personal lives or outside of work are not normally followed up unless there is potential for significant damage to the reputation of the employer. However faith schools may have more concern about receiving such information especially where it relates to 'relationships' that are seen as counter to the moral and cultural standard of the school.

(Discuss phrasing)

Appendix 2

Complaints procedure with regard to pupils and curriculum

Our prospectus contains the following statement on complaints:

Anxieties about anything to do with your child are best dealt with in the first instance by the class teacher. If this is not enough, please ask to speak to the Head Teacher who will usually be able to resolve any anxieties or investigate the situation.

Any complaints about curriculum provision (including R.E.) and the implementation of the National Curriculum which relate to the action of the Governing Body or L.A. should be addressed in the first instance to the Head Teacher.

She will investigate the problem and discuss her findings with you so that we can find a way forward together which serves the best interest of both the school and your child. In the unlikely event of the problem remaining unresolved you can put your complaint in writing and, if necessary, could subsequently refer it to the Chair of Governors.

If any difficulty cannot be resolved at this formal stage, details will be given of how the more formal complaints procedure may be instigated through writing to the Clerk of Governors or the **Director of Children and Education**.

The procedure to be followed in the event of a complaint being made is summarized in the following stages:

Stage 1: Informal Action

- Parents discuss concerns with the class teacher
- If the teacher is unable to deal immediately with the matter, a clear note is made, including complainant's name, phone number and date, and the parent is contacted as soon as the matter has been investigated. The teacher may also consult the Head Teacher at this stage.
- The teacher ensures that the parent is clear what action or monitoring of the situation has been agreed.

- If no satisfactory solution has been found, parents are asked if they wish their concern to be considered further.

Stage 2: Referral to the Head Teacher: Formal Action

- The Head Teacher acknowledges the complaint, orally or in writing, within 3 working days
- A meeting is arranged with the complainant to clarify and supplement any information given.
- The Head Teacher investigates further, interviewing witnesses as appropriate. If the complaint centres on a pupil, the pupil would normally be interviewed with a parent present or, if this is not possible, with a member of staff who is not directly involved.
- The Head Teacher keeps written records of meetings, telephone conversations and other documentation.
- Once all relevant facts have been established, the Head Teacher responds. If the complaint was in writing, a written response will be sent.
- If the complainant is not satisfied, they are advised to write to the Chair of the Governing Body.

If the complaint is against the Head Teacher, the Stage 2 procedures are carried out by the Chair of the Governing Body.

Stage 3: Review by the Chair of Governors and/or Complaints Panel: Formal Action

The Chair acknowledges receipt of the written complaint, informing the complainant that:

- The complaint is to be heard by a Committee of three members of the School's Governing Body within 15 working days.
- The Chair arranges to convene a Complaints Panel elected from members of the Governing Body. The members should have no prior involvement with the complaint and they should elect a chair for the Complaints Panel. All relevant documentation regarding the complaint should be given to the members of the Panel as soon as possible.
- The chair of the Complaints Panel will write and inform all concerned of the date, time and place of the meeting at least 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend and the right to submit further written evidence.

- It is the responsibility of the chair of the Complaints Panel to ensure that the meeting is properly minuted. (See reference to 'Clerk' Appointed for purpose.)
- After the meeting, the Panel will consider the evidence and a written decision will be sent to the Head Teacher and the complainant within 15 working days.

Stage 4: Beyond the Governing Body: Formal Action

Complaints can be taken to the Secretary of State for Education under Education Act 1996 on the grounds that a Governing Body or L.A. is acting or proposing to act unreasonably or has failed to discharge its duties under the Act.

