



**LEADERSHIP AND ACHIEVEMENT COMMITTEE**  
**SCHOOL COMPLAINTS POLICY AND PROCEDURE**

<b>Agreed by Governing Body</b>	<b>Summer 2016</b>
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## Overview

- 1) All maintained schools and maintained nursery schools are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides.
- 2) There are procedures for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school. The Governing Body's complaints procedure does not replace the arrangements made for those types of complaint. In addition, there are certain complaints which fall outside the remit of the Governing Body's complaints procedure, for example, staff grievances or disciplinary procedures.

Web link to Act – <http://www.legislation.hmsso.gov.uk/acts/acts2002/20032--f.htm#29>

- 3) The policy takes account of the DfE departmental advice 2016, Best Practice advice for School Complaints 2016

## Part 1: General Principles of complaints

### Dealing with Complaints – Initial concerns

- 4) The governing body at Minchinhampton C/E Primary Academy believes that concerns, a worry or doubt about an issues for which reassurances are sought, should be dealt with seriously at an early stage, in order that there is little need for concerns to be escalated into formal complaints.
- 5) Initial concerns are dealt with in the following way:
  - a. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach.
  - b. Staff will seek to resolve issues on the spot.
  - c. The complaints procedure will not in any way undermine efforts to resolve the concern informally.

### Dealing with Complaints – Formal procedures

A complaint is defined as an expression of dissatisfaction about actions taken or a lack of action.

- 6) The head teacher, as complaints co-ordinator, has responsibility for the operation and management of the school complaints procedure.
- 7) Where the complaint is against the head teacher, the Chair of Governors acts as the complaint co-ordinator

### Framework of Principles

- 8) The Complaints Procedure is designed 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

## Investigating Complaints

- 9) At each stage, the person investigating the complaint (usually the complaints coordinator), 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 they are unsure about any point 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;
  - conduct the interview with an open mind and be prepared to persist in the questioning;
  - keep notes of the interview or telephone conversation on record
  - record the progress of the complaint and the final outcome

## Resolving Complaints

- 10) At each stage in the procedure Minchinhampton C/E Primary Academy will keep in mind ways in which a complaint can be resolved. It may 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
- 11) Complainants are 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.
- 12) The procedure is designed to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred, so as to promote a positive atmosphere in which to discuss any outstanding issues.

## Unreasonable complainants

- 13) If properly followed, the 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, the chair of the GB will inform them in writing that the procedure has been completed and that the academy is not able to take the matter any further. The letter will also advise them that they can complain to the Diocese or DfE.
- 14) Minchinhampton C/E Primary academy is committed to dealing with all complaints fairly and impartially, and providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do

not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

- 15) Unreasonable complainants are defined as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints

### **Time-Limits**

- 16) Complaints need to be considered, and resolved, as quickly and efficiently as possible. The procedure has realistic time limits for each action within 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.

## **Part 2: The Formal Complaints Procedure**

### **The Stages of Complaints**

- 17) The school complaints procedure has three stages. A flow chart of these is at Appendix A. At each stage it is important to clarify exactly who will be involved, what will happen, and how long it will take. 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 and further investigations may be required by the head teacher or the Chair of Governors after a meeting with the complainant.
- 18) There are three school-based stages:
- Stage one: complaint heard by staff member (though not the subject of the complaint);
  - Stage two: complaint heard by head teacher or Chair of Governors;
  - Stage three: complaint heard by Governing Body's complaints appeal panel.

## **Part 3 – Managing and Recording Complaints**

### **Recording Complaints**

- 19) The school will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. The complaint form can be found at Appendix B. At the end of a meeting or telephone call, the member of staff will seek 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 will be kept and a copy of any written response added to the record.
- 20) The complaints co-ordinator is responsible for the records which are held centrally.

### **Governing Body Review**

- 21) The Governing Body monitors the level and nature of complaints and reviews the outcomes on a regular basis to ensure the effectiveness of the procedure and to make any necessary changes. Wherever possible complaints information shared with the whole Governing Body will not name individuals.

- 22) As well as addressing an individual's complaints, 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 is part of our approach to evaluating the school's performance.

### **Publicising the Procedure**

- 23) There is a legal requirement for the Complaints Procedures to be publicised by the Governing Body. Details of the Complaints Procedures are included in:
- the information given to new parents when their children join the school;
  - the school website

## **MINCHINHAMPTON PRIMARY ACADEMY COMPLAINTS PROCEDURE**

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 definitions:

“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.

## **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. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

The school respects 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 head teacher, 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 is to refer the complainant to the appropriate person and advise them about the procedure. Governors do not act unilaterally on an individual complaint outside the formal procedure and are not 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 Head Teacher**

The head teacher's influence shapes 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 Body's 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 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 nominates 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 procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

## **APPENDIX A**

### **Roles and responsibilities**

#### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

#### **The Complaints Co-ordinator (or headteacher)**

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records; • be aware of issues regarding:-
  - sharing third party information;
  - additional support - this may be needed by complainants when making a complaint including interpretation support.

#### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - consideration of records and other relevant information;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond;
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the

questioning;

- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

### **The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)**

The Clerk is the contact point for the complainant for the panel meeting and is expected 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;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

### **The Panel Chair**

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

### **Panel Member**

Panellists will need to be aware that:-

- it is important that the review panel 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.
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and

the complainant;

However, it must be recognised that 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.

- many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child.

The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

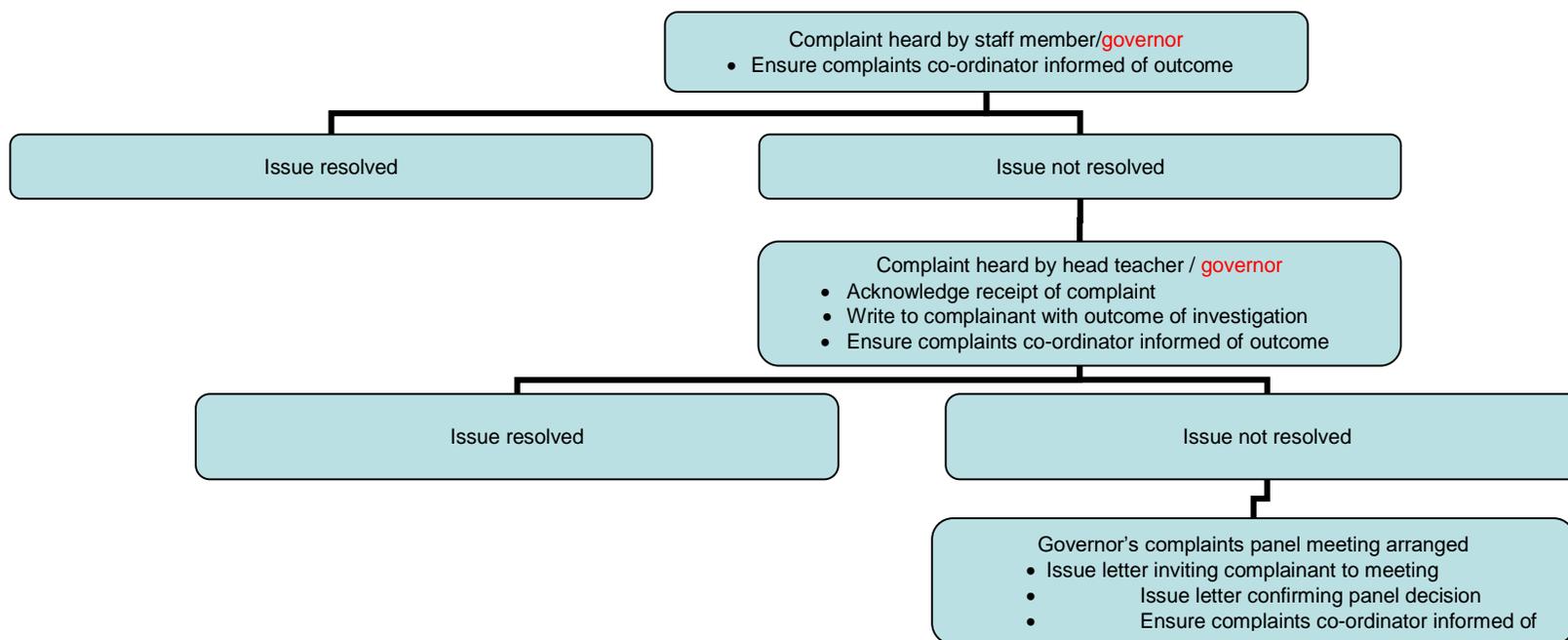
If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

## Flowchart

### Summary of Dealing with Complaints



**Appendix C**  
**Minchinhampton Primary Academy complaint form**

**Please complete and return to the head teacher (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.  
(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:**