

# Halton Lodge Primary School



## School Complaints Procedure

**Reviewed: August 2019**

**Date of next review: Summer Term 2021**

## Introduction

No-one likes criticism - but an open organisation will always be willing to listen to concerns and anxieties, and be ready to learn from them (if appropriate). In a school, most concerns are likely to be expressed by parents of its pupils; though some may come from pupils themselves or from other interested parties (such as neighbours or users of the school's premises).

Nearly all concerns or questions can be resolved very quickly and informally if complainants feel able to voice them as soon as they arise. *Obviously, the more information the school gives to the complainants, the less scope there is for misunderstanding.*

As part of this information, complainants should be told that feedback is always welcome and that they are warmly encouraged to voice any concerns straightaway, preferably to the person concerned. *In most cases, discussion, explanation, further information – or an apology (if appropriate) – will resolve the issue. **Every effort should be made to allay concerns at this level and with the least possible formality. The ideal is that no concern should ever become a formal complaint.***

Occasionally, however, a concern will be too serious to be handled in this way, perhaps needing greater investigation; or the person concerned may not feel that the answers given so far have been acceptable or adequate. In such circumstances, the concern will become a **complaint** and the formal procedure outlined below should be rigorously followed. Even in these cases, every effort should be made to resolve the issue at the lowest possible level of the procedure. It should be very rare indeed that a complaint needs to be decided at the Appeal Stage by a Governor Committee.

It is very important that all governors and members of staff are familiar with the school complaints procedure and that they know who the complaints co-ordinator for the school is, so that they can refer complaints to that person when approached by someone with a complaint.

## THE FORMAL PROCEDURE

### Principles

At every stage of the formal procedure, the handling of the complaint will be:

- non-adversarial (working together co-operatively to reach the best resolution for everybody);
- swift (using agreed time limits);
- fair (using independent investigation where necessary);
- confidential.

Throughout the process, the school will be willing:

- to listen;
- to learn;
- to admit mistakes;
- to apologise (if appropriate);
- to address any issues raised;
- to change school practice or policy (if appropriate).

In using this procedure:

- staff are asked to be aware that complainants may feel intimidated by the school as an institution and unsure whether they will be treated fairly; and
- complainants are asked to be aware that those complained about, especially individual members of staff, may feel very vulnerable during this process.

Throughout the procedure, therefore, the aim of all parties should be not only to resolve the complaint but also to develop and sustain good relationships between all members of the school community. However dissatisfied the complainant, the aim when dealing with any formal, or serious, complaints, will always be reconciliation between all parties; and a renewed commitment to work together amicably.

**This Complaints Procedure does not apply to:**

- members of staff (who should use their own Grievance Procedure);
- procedures with their own appeal structure e.g. admissions and exclusions;
- concerns about the content of the National Curriculum which must be taken up with the Department for Education.

*It is also totally separate from any Disciplinary or Capability Procedures.* If the investigation of any complaint were to lead to concerns on the part of the Headteacher or governors, about the capability or conduct of a member of staff, these would not be discussed or dealt with within this procedure.

We have always tried to ensure that views of pupils are taken into account. This has been recently highlighted with the Children's Commissioner's Report, December 2015, which asks schools to:

- establish an open, positive culture where feedback and children's views are valued.

We will always try to ensure that this is taken into account with reference to any particular complaint.

**Outline of the Procedure**

There are three stages to the formal procedure:

**Stage 1: Complaint heard by a member of staff (not the subject of the complaint).**

Schools are recommended to designate a member of staff as the Complaints Co-ordinator, to whom all complaints will be addressed in the first instance. Here at Halton Lodge Primary School it will be the Headteacher and in his absence, the Deputy Headteacher.

The complaints co-ordinator will either hear a complaint personally or, where appropriate, refer the matter to another member of staff. The co-ordinator will also keep records of each complaint and of action taken in regard to it (preferably using an agreed proforma (see Appendix A) so that the senior managers and governors of the school can be kept informed of all issues that arise and, as a result, can change or develop school practices where necessary or appropriate. This enables complaints about the school to be used positively, as part of the school's self-evaluation tools.

**The aim is to resolve the complaint at this level.**

- 1.1** The complaint should be addressed in the first instance to the designated member of staff (the complaints co-ordinator). This may be done in person, by telephone or in writing.
- 1.2** The complaints co-ordinator will log the complaint (see Appendix A) and either investigate the complaint personally or refer it to an appropriate member of staff. In making this decision, the co-ordinator will be sensitive to any indication that the complainant would have difficulty discussing the complaint with a particular member of staff.
- 1.3** If the complaint concerns the head teacher, the complainant should refer it to the chair of governors, who will out of courtesy inform the head teacher that this has been done. *If the complaint concerns the chair of governors, the complaints coordinator should refer it to the vice-chair.*
- 1.4** Whoever investigates, the investigator will:
  - 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 aspect, or feel further information is necessary);
  - clarify what the complainant feels would put things right, clearing up any areas of misunderstanding, identifying areas of agreement and discuss what might be possible;

- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish. *This should include adults and pupils, as appropriate, whether main players or witnesses;*
- conduct each interview with an open mind and be prepared to persist in the questioning;
- keep notes of each interview.

**1.5 Timescales.** Within ten school days of receiving the complaint, the investigator will complete the investigation and contact the complainant to arrange a meeting. (See **1.6**). At any point in the process, the complaints co-ordinator may decide or agree to commission a further investigation, whether by a member of staff or an independent person. If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.

**1.6** When the investigation is complete, the investigator will meet the complainant to try to resolve the complaint. **Every effort should be made to try to resolve the complaint at this meeting.**

Any of the following may be appropriate at this point:

- an acknowledgement that the complaint is valid in whole or in part;
- an apology;
- an explanation;
- a clarification of misunderstandings;
- 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.

Some of the above may require that the investigator seek authority from the Headteacher. Naturally, nothing should be offered or promised that cannot be justified or fulfilled.

**1.7** If the complaint cannot be resolved, the complainant may refer it to Stage 2.

## **Stage 2: Complaint heard by the Headteacher.**

**2.1** Where a complaint has not been resolved at Stage 1, it will be referred to the Headteacher **unless** the original complaint concerned either the Headteacher or the Chair of Governors, in which case the complainant may refer it straight to Stage 3.

**2.2** The Headteacher will either investigate the complaint personally or refer it to another senior member of staff (who has not so far been involved) - or arrange for an independent investigation, if appropriate. At this point it is possible that the complaint will have escalated to include a complaint concerning the manner in which the original complaint has been handled. Both parts of the complaint would in this case need to be investigated.

**2.3** In conducting the investigation, the investigator will operate in accordance with section **1.4**.

**2.4 Timescales:** Within ten school days of receiving the complaint, the investigator will report back to the Headteacher. Within a further three school days, the Headteacher will contact the complainant and arrange a meeting. (See **2.5**) At any point in the process, the Headteacher may decide or agree to commission a further investigation, whether by another senior member of staff, a governor or an independent person. *If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.*

**2.5** **When the investigation is complete**, the Headteacher will consider the evidence and, whether or not he investigated the matter personally, will meet the complainant (with or without the person who conducted the investigation, if different) to try to resolve the complaint. **Every effort should be made to resolve the complaint at this meeting.** Any of the suggestions in section **1.6** may be appropriate at this point.

**2.6** If the complaint cannot be resolved, the complainant may refer it to Stage 3.

### Stage 3: Complaint heard by the Governing Body's (Complaints) Appeal Panel.

If unsatisfied at Stage 1 or 2, the complainant can take the complaint to the next stage.

- 3.1** A Complaints Appeal Panel, consisting of three governors, should be appointed annually by the governing body. This panel will have delegated power to hear and finally determine complaints. Ideally, the make-up of the panel should reflect the make-up of the governing body and/or the profile of the pupils in the school. **Any governor who has prior involvement in or detailed knowledge of a particular complaint or its investigation may not sit on the panel hearing that complaint.** It would be advisable, therefore, for the governing body to agree alternative panel members in case of such a circumstance. *The complaint must not be discussed at a meeting of the full governing body as this could compromise the impartiality of the complaints panel and also any subsequent disciplinary hearing which may follow a serious complaint against a member of staff.*
- 3.2** To trigger Stage 3, the complainant will have been dissatisfied with the school's approach to the complaint in the first two stages and must now put the complaint in writing to the Chair of Governors. The Chair will check what has happened so far and, if the procedure has been properly followed, it will move to Stage 3. The Chair, or a nominated other governor, will - via the clerk - convene a Governing Body's Complaints Appeal Panel Meeting. If the original complaint concerned the Chair of Governors - and was referred to the Vice-Chair at Stage 1 - the Vice-Chair will tell the complainant the name of the nominated governor for a referral to Stage 3. (See section 3.1)

- 3.3** This is the final stage of the procedure. **There is no further redress or appeal.**

It is, therefore, vital that, in the spirit of the procedure, the Appeal Panel should:

- be prepared to hear complaints without preconceptions;
  - examine and discuss the matter fully so that they ensure that they have every piece of information or evidence that they require;
  - be prepared to commission, organise or conduct further investigations if necessary;
  - give the complainant the opportunity to express their dissatisfaction and worries and to suggest what might put things right;
  - be prepared to take whatever action is required.
- 3.4 Timescales.** The date of the Appeal Panel Meeting should be agreed by all parties within five school days of the receipt of the written referral of the complaint. The meeting itself should be held within fifteen school days of the receipt of the referral. If the complainant or the Headteacher wishes to submit information in writing to the panel, they should send it to the clerk to the governors at least five school days before the meeting. As far as possible, the meeting should not be delayed. If the referral comes at the end of a term, especially at the end of the summer term - the aim of the procedure should still be to resolve the issue and effect reconciliation (if necessary) as soon as possible. It will be best, therefore, if the matter can come to the panel as quickly as possible; especially as the complainant will already have been engaged over a protracted period in attempts to put things right.

#### The Meeting of the Governing Body's Complaints Appeal Panel

- 3.5 Before the meeting:** Members of the panel should consider carefully any documentation from the Headteacher or the complainant, but should not discuss the matter with any one (including the other members of the panel) before the meeting. *This is in the interest of fairness and natural justice. The appeal panel must operate scrupulously as an independent arbiter of the complaint.*

- 3.6 Conduct of the meeting – to be borne in mind:**

- One of the panel must act as chair and there should be a clerk for the meeting.
- The meeting room should be private and as informally laid out as possible, in order to encourage a spirit of partnership. It is very important that there should be nothing adversarial about the proceedings. The

tone of the whole meeting will be set by the atmosphere of the room in which it is set and by the way people are greeted. Panel members should be sensitive to the vulnerabilities and sensitivities of all concerned. Parents may be emotional when talking about their child and the Headteacher, and others involved in the earlier investigations, may fear that their professionalism could be under attack. **Everyone needs to remember that the aim and purpose of the meeting is to resolve the complaint and find ways of going forward together.** It is possible that the complainant may not be satisfied with the outcome if the panel does not find in their favour, but the conduct of the meeting can go a long way towards smoothing such dissatisfaction. At the very least, every complainant should feel at the end that their complaint has been taken seriously and examined impartially.

- Very special care should be taken if the complainant is a child or if there are child witnesses. Children's views should be given equal consideration to those of adults. If a parent has complained on behalf of a child, the parent should be given the opportunity to say which parts of the meeting the child needs to attend.

### 3.7 Role of the Clerk

The clerk will:

- confirm to all parties in writing the date, time and venue of the hearing;
- receive and distribute any documentation to be read before the hearing;
- meet and welcome all parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision within 3 school days (or as decided by panel). The wording of any letters will be agreed with the Chair of the Panel.

### 3.8 Role of the Chair of the Panel

The chair will ensure:

- that the procedure is properly followed;
- that the procedure for the hearing of the complaint is explained to all parties and that all parties have the opportunity to put their case without undue interruption;
- that the issues are addressed;
- that all parties are put at their ease, especially any who may not be accustomed to speaking at such a hearing;
- that the proceedings are kept as informal as possible and that everyone treats each other with respect and courtesy;
- that the panel operates in an open-minded and independent way;
- that time is given for all parties to consider any 'new' evidence.

### 3.9 Order of Proceedings for the Hearing of the Complaint

- Welcome, introductions and explanations of the proceedings by the Chair.
- The complainant is invited to explain the complaint.
- The Headteacher may question the complainant.
- The panel may question the complainant.
- If there are any witnesses for the complainant, each one is invited into the hearing in turn and in each case the witness is invited to speak; then the Headteacher may question them, and then the panel may question them. In each case, the witness may leave after their 'evidence'.
- The Headteacher is invited to explain the school's actions.
- The complainant may question the Headteacher.
- If there are any witnesses for the school, they are treated in exactly the same way as the witnesses for the complainant.
- When the Chair is sure that all parties have asked all that they need to, the complainant is invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.

- The Chair explains that both parties will hear from the panel within three school days following the day of the hearing.
- Both parties leave together while the panel decides on the issues.

### 3.10 Options Open to the Panel

The panel may:

- 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.

### 3.11 After the Hearing

After the hearing, the following actions need to be taken.

- The Chair of the Panel agrees, with the clerk, the wording of the letter to be sent to both parties. *The clerk then ensures that the letter is sent out in accordance with the agreed timescale.*
- Minutes to be agreed by all parties before being approved, if at all possible.
- The clerk writes up the notes of the meeting and gives a copy to the Chair of the Panel.
- The clerk ensures that any recommendation to change school procedures is put on the agenda for the next full governing body meeting.

**3.12 Vexatious Complaints:** If the complainant, still dissatisfied, tries to reopen the same issue, the Chair of Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

**3.13 Time limit:** The school expects any complaint to be submitted within three months from when the complaint first arises, except in exceptional circumstances.

### Complaints Made Other Than in Accordance with the Procedure

Sometimes a complainant may be unfamiliar with, or unaware of, the complaints procedure; sometimes they may choose to take their complaint straight to governors or to other parties, such as the Local Authority. In every such case, the procedure must be strictly adhered to, and the complaint redirected to its proper stage in the procedure. It is, therefore, important that all members of staff and all governors are fully aware of the procedure and that it is publicly available. **It is particularly important that governors know that they must not attempt to deal with complaints themselves, but should tell complainants to take their complaint to the school's complaints coordinator.**

### Complaints Made to the Department for Education

In unusual cases the Secretary of State may have the power to intervene if the governing body of the school has acted "as no reasonable governing body would act". This is very unlikely to be the case unless the whole of the school's own complaints procedure has been exhausted.

### Complaints to Ofsted

The Education and Inspections Act 2006 at s.160 provides a procedure for Ofsted to investigate parents' complaints about a school. A complaint cannot be investigated unless the school's complaints procedure has been exhausted, subject to the Chief Inspector's discretion to waive this requirement. DfE have been advised that Ofsted will only consider whole school issues.

**APPENDIX A COMPLAINT RECORD FORM (to be used for Stage 1 and Stage 2)**

**PART A: RECORD OF COMPLAINT**

**Complainant's Name:**

**Address:**

**Telephone:**

**Details of the Complaint:**

**Date Complaint Made:**

**Action(s) Already Taken to Resolve the Matter:**

**Complainant's View of what might resolve the issue:**

**PART B: ACTION TAKEN IN ACCORDANCE WITH THE COMPLAINTS PROCEDURE**

**Complaint Investigated By:**

**Action (with dates):**

**Date of formal meeting with complainant:**

**Outcome of the Meeting:**