

**Misterton Primary  
School  
Complaints Policy  
& Procedure**

## Overview

Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England were required, under Section 29 of the [Education Act 2002](#), summarised in Annex A, 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. The law also requires the procedure to be publicised.

## Initial concerns

We aim to make our school a happy, safe and caring place so that pupils may benefit from the best possible education. All of our staff, both teaching and non-teaching, are dedicated to this aim. If you think we are not living up to your expectations of us we want to know about it so that we may have the opportunity to put things right. We would also like to hear about the things you think we do well. We take informal concerns seriously at the earliest stage in order that this will reduce the numbers that develop into formal complaints. Anonymous complaints cannot be dealt with as we have no one to discuss this with.

## Formal Procedures

Formal procedures will only be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Our 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 leadership team so that services can be improved.

## **Investigating Complaints**

When investigating the complaint we 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 unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.
- Once the investigation has taken place an action plan put in place

## **Resolving Complaints**

At each stage in the procedure schools will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;

- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur where possible
- 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.

An admission that the school could have handled the situation better is not the same as an admission of negligence.

Our procedure will 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.

### **Vexatious Complaints**

We hope that our 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 is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **The Formal Complaints Procedure**

### **The Stages of Complaints**

The school complaints procedure has well-defined stages. A flow chart of stages can be found in Annex C. At each stage it will be clarified exactly who will be involved, what will happen, and how long it will take.

Complaints need to be considered and resolved as quickly as possible.

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 after a meeting with the complainant.

The three school-based stages are:

- Stage one: complaint heard by staff member ie class teacher (though not the subject of the complaint);
- Stage two: complaint heard by head teacher;
- Stage three: complaint heard by GB's complaints appeal panel.

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An unsatisfied complainant can always take a complaint to the next stage. Some procedures may allow for an additional stage if the LA or other external agency provides an independent appeal or review.

An effective procedure specifies how a complaint will be dealt with if it concerns the conduct of the head teacher or a governor or where a head teacher or governor has been involved in the issue previously.

Our complaints procedure can be found in Annex B.

## **Managing and Recording Complaints**

### **Recording Complaints**

A complaint may be made in person, by telephone, or in writing. A complaint form can be found in Annex D. At the end of a meeting or telephone call, we will 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.

The records will be held in the main office.

### **Governing Body Review**

The GB 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 GB will not name individuals.

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, school will identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB is useful in evaluating a school's performance.

### **Publicising the Procedure**

There is a legal requirement for the Complaints Procedures to be publicised and the complaints procedure will be published in the following ways

- the school prospectus;;
- the information given to new parents when their children join the school;
- the school website.

# School Complaints Procedure

## Annex A - The Act

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;

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## Annex B Complaints Procedure

### **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.

If you have a concern or complaint please speak to your child's class teacher in the first instance - if it is a member of staff you have a concern or complaint about please speak to the Headteacher/Deputy head

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 complainant may approach another staff member. Where the concern or complaint concerns the head teacher the complainant should refer directly to the Chair of the Governing Body.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, she may refer 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 will be to refer the complainant to the appropriate person and advise them about the procedure. Governors will not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

### **Stage Two: Complaint Heard by Head teacher**

At this point if the complainant is not satisfied with the outcome or the way the complaint was handled at stage one as well as pursuing their initial complaint it may be taken to the head. The head may delegate the

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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 Bodies 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 merely to rubber-stamp previous decisions.

Individual complaints will not be heard by the whole Governing Body 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 will nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals is 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.

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### The Remit of The Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

### Governor Complaints Panel

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which is held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. The panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care will be taken to ensure the setting is informal and not adversarial.

d. Extra care will be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs

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will be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant the parent will be given the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The governors sitting on the panel will be aware of the complaints procedure.

### The Role of the Chair of the Panel and the Procedure

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

### Notification of the Panel's Decision

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## School Complaints Procedure



**Dated** .....

**Signature**.....(Headteacher)

**Name**.....

**Signature**.....(Chair of Governors)

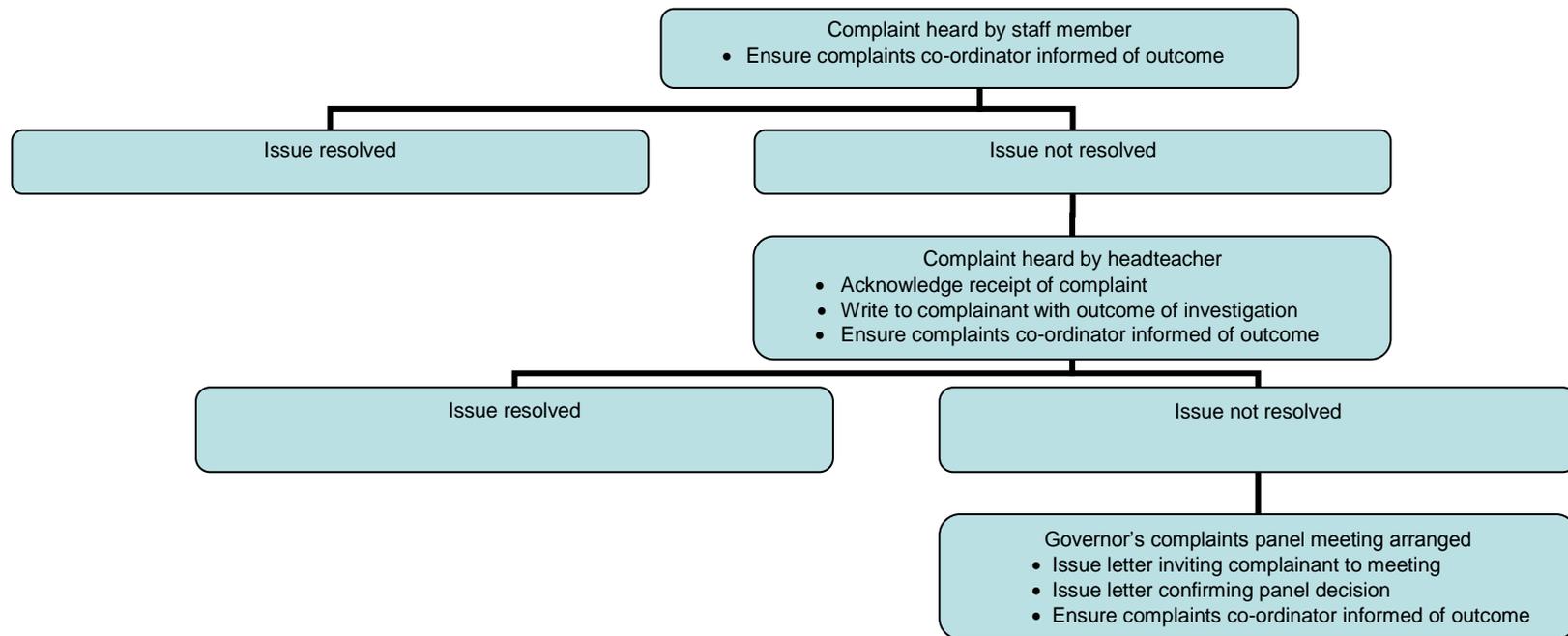
**Name**.....

**Review due;      June 2017**

# School Complaints Procedure

## Summary of Dealing with Complaints

### Annex C - Flowchart



# School Complaints Procedure

## Annex D - Complaint Form

Please complete, an acknowledgement of receipt will be sent and an explanation 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)?**

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: