



Hester's Way Primary School

Complaints Procedure Policy

Purpose

Hester's Way Primary School values the positive, professional relations it enjoys with parents and the community. These relations are based on mutual respect and a willingness to listen to other points of view. The purpose of our complaints procedure is to provide a framework for the governing body to adopt, giving a structured opportunity for all concerned to express and resolve concerns and thus to improve provision.

Introduction

It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.

We believe an effective Complaints Procedure should:

- 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.

The school's procedure has four stages, but every effort will be made to resolve issues at the earliest possible stage:

Stage 1 - Teacher then Headteacher

Many concerns are the result of a misunderstanding and can be resolved informally by discussion with a member of staff: more difficult or complex concerns may take more than one discussion. The school is happy to receive suggestions and to talk about concerns which help us to identify areas of success and areas in which we could improve. Where a concern is brought to the school's attention it can often be resolved with a single conversation.

All concerns will be taken seriously. It may be appropriate to:

- offer an explanation or apologies
- admit that the situation could have been handled differently
- give an assurance that the event will not recur
- give an explanation of the steps take to ensure this
- give an undertaking to review school policy/practice

Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a complaint.

Stage 2 - Investigation by Headteacher or Chair of Governors

The Head teacher will make an investigation and respond to the complainant. If the complaint is directed at the Head teacher, then the Chair of Governors (or other named governor) should take on this stage.

The Head teacher or Chair of Governors 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

Stage 3 - Complaint to the Governing Body

This can be made only if the complainant has:

- sought to resolve the concern through approaches to the school as described in Stages 1 and 2
- allowed reasonable time (normally no more than four school weeks) for investigation of the concern
- accepted any reasonable offer by the school to discuss the result of the investigation
- taken part in any process of mediation offered by the school
- put the complaint clearly in writing (normally within two months of the event)

The governing body has a set of governors to deal with complaints from whom three will be drawn. Their responsibility is to hear and decide about formal complaints, which have not been resolved at the earlier stages. The panel will consist of three governors who have not previously been involved in dealing with the complaint, and the Chair of the panel should be named. The Head teacher should not be a member of the panel.

The complainant should write to the Chair of Governors or the governing body Clerk requesting a meeting of the complaints panel. No new complaint may be included at this stage.

The Clerk will respond to the complainant within 24 hours of receipt of the letter. The Clerk will contact the complaints panel nominated by the governing body and will be responsible for making all the arrangements for the meeting, including time and place. The Clerk will immediately send the text of the formal complaint to the Head teacher and the Chair of Governors. The Head teacher may have up to 10 school days from receipt of this notification to submit a response to the Clerk. The meeting will be arranged as soon as possible, and normally no later than 20 school days after receipt of the complainant's request for a formal meeting. If there is difficulty agreeing a date the Chair of the panel makes the final decision.

Any documents from either the complainant or the Head teacher to be considered by the panel, and the names of any witnesses or friends, who might attend, must be received by the Clerk at least seven school days before the meeting. Copies of all papers submitted plus the agenda will be sent to the complaints panel members, complainant, Head teacher, Chair of Governors and the Attached Inspector at least five school days before the meeting date. The Head teacher will copy relevant papers to any member/s of staff named in the complaint.

If the complainant does not wish to attend the hearing, following 'natural justice' guidelines, the Head teacher will also not attend and the panel will make their

decisions and recommendations based on the paperwork circulated by both parties.

The complainant may bring a friend, interpreter or advocate to the meeting. The Head teacher may bring a friend or professional representative.

If teachers or other members of staff are asked by the Head teacher to be present at a complaints committee meeting, they have a right to bring a friend or professional representative. It is not appropriate for a child/pupil to attend.

The panel will consider the complaint on the basis of the papers they receive and what is said at the meeting. In the event of either party not attending the meeting, the panel chair has discretion to proceed or to adjourn at any stage.

The panel Chair controls the meeting and will aim to complete all the business at a reasonable hour without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, and by being courteous throughout. The Clerk should take full minutes, which must be confidential.

The Clerk will send the complainant, Head teacher, Chair of Governors and the Attached Inspector a letter with the outcome of the meeting within seven days of the meeting. The Local Authority has the right, under this procedure, to have a representative present at all stages of the governing body complaints panel meeting and to have a copy of all associated paperwork.

No further appeal to the governing body is available in the matter of the complaint.

Stage 5 - Complaint to Secretary of State or Local Government Ombudsman

If a complainant wishes to pursue the complaint s/he has recourse to the Secretary of State. The LA will advise on the procedure to be followed in those cases.

If the parent/carer remains dissatisfied with the governors' conclusion, he/she may contact the Cheltenham Area Education Officer. **The LA cannot overturn a decision of the school's Governing Body but it can help to resolve difficulties.**

General Advice on the handling of complaints

The role of the governing body

As well as our responsibility for the general conduct of the school, a key role of the governing body is to influence the ethos of the school, its general atmosphere and

philosophy. This influence carries with it an equivalent responsibility to support the Head teacher and the staff and to ensure fairness to them as well as to pupils, parents and those in the community who come into contact with the school. Complaints, if dealt with properly, can enhance the reputation of the school. The governing body has an important role to play in handling complaints well.

Information about the complaints procedure should be included in the School Prospectus and the Governors' Annual Report to Parents. The governing body should not deal with complaints until the Head teacher has had an opportunity to resolve them.

The Remit of the Complaints Appeal Panel

Every effort should be made to help the complainant feel relaxed and comfortable. The membership of the panel should be seen as fair to all. **It is important that everyone understands that the panel is acting for the governing body, and that the governing body will not re-hear the case.**

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.

There are several points which any governor sitting on a complaints panel needs to remember:

- 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.
- The aim of the hearing, 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 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.

- An effective 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 is needed to ensure the setting is informal and not adversarial.
- The governors sitting on the panel need to be aware of the complaints procedure.

The Role of the Chair of the Panel

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;

Checklist for a Panel Hearing

It is the responsibility of the Clerk to ensure that the hearing is conducted properly and fairly and that all parties are given adequate opportunity to present their case and ask questions. The panel needs to take the following points into account:

<ul style="list-style-type: none"> • The hearing is as informal as possible.
<ul style="list-style-type: none"> • If witnesses are called they are only required to attend for the part of the hearing in which they give their evidence.
<ul style="list-style-type: none"> • After introductions, the Chair should explain that none of the panel has had any previous involvement with the complaint. He or she should reassure the complainant that whatever is said will be done in complete confidence. The complainant is invited to explain their complaint, and be followed by their witnesses if they wish to call any.

<ul style="list-style-type: none"> • The Head teacher and the panel may question both the complainant and the witnesses after each has spoken.
<ul style="list-style-type: none"> • The Head teacher is then invited to explain the school's actions and be followed by the school's witnesses if any are called.
<ul style="list-style-type: none"> • The complainant and the panel may question both the Head teacher and the witnesses after each has spoken.
<ul style="list-style-type: none"> • The complainant is then invited to sum up their complaint.
<ul style="list-style-type: none"> • The Head teacher is then invited to sum up the school's actions and response to the complaint.
<ul style="list-style-type: none"> • The Chair explains that both parties will hear in writing from the panel within a set time scale.
<ul style="list-style-type: none"> • Both parties leave together while the panel decides on the issues.

Other Policies

This policy will be used in conjunction with these policies:

Acceptable User

Allegations Management

Anti-Bullying and Hate Policy

Attendance

Complaints

Child Protection/Safeguarding Policy

Early Help Offer

E-Safety Policy

First Aid and Medication

Health and Safety

Keeping Children Safe in Education – Part 1 (most up to date version)

Lettings/Hirers agreement

Offsite Visits

SEND Local Offer

Safeguarding

Safer Recruitment and staff HR policies

Safer Working Practice

Special Educational Needs and Disabilities (SEND)

Staff Behaviour - Code of Conduct and Teaching Standards

Whistle Blowing

Working Together to Keep Children Safe

This policy was written in November 2017.

This policy was reviewed in January 2019.

It will be reviewed in January 2020.

Ratified by the Governors: _____ Date: _____