

Complaints Procedure Condover CE (Aided) Primary School

Overview

Since the 1st of September 2003 School Governing bodies have been 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. The law also requires the procedure to be publicised.

It is worth pointing out that to date no formal complaints have been considered under this policy.

Part 1: General Principles of Complaints

Dealing with Complaints - Initial Concerns

It is important to be clear about the difference between a concern and a complaint. Taking formal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

This document deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the Class Teacher or the individual delivering the service in the case of extended school provision will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including taking action where appropriate. If a Governor is approached they should not get involved in the complaint but should refer it to the Headteacher or Executive Headteacher.

Dealing with Complaints - Formal Procedures

The formal procedures will need to be invoked when initial attempts to resolve the issues are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Condover School has nominated the **Headteacher** as the School's Complaints Co-ordinator, having responsibility for the operation and management of the school complaints procedure.

Framework of Principles

An effective complaints procedure will:

- Encourage resolution of problems by informal means wherever possible

- Be easily accessible and 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 peoples desire for confidentiality
- Address all the points of 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

At each stage the person investigating the complaint will make sure that they:-

- Establish what has happened so far and who has been involved
- Clarify the nature of complaint and what remains unresolved
- Meet with the complainant or contact them (if further information is necessary)
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and all those complained of allowing them to be accompanied if they wish
- Conduct the interview with an open mind and are prepared to persist in the questioning
- Keep notes of the interview

Resolving Complaints

At each stage in the procedures the School will keep in mind ways in which a complaint can be resolved while recognising that not every complaint is a valid one. If the complaint is valid, in whole or in part, 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 would not reoccur
- An explanation of the steps that have been taken to ensure that they will not happen again
- An undertaking to review School Policies in the light of the complaint

It would be useful if complainants were encouraged to say 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.

An effective 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

Properly followed this 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 Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed from the Governing Body's point of view.

However, if they wish to further the complaint, the complainants can contact the Local Authority or the Secretary of State. For the Secretary of State to intervene following a complaint, s/he needs to be sure that either:

- The school has acted or is proposing to act unreasonably in the exercise of its functions imposed by the Education Act 1996; or
- The school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.

Time Limits

Complaints need to be considered and resolved as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and details of the new deadline given to the complainant with an explanation of the reason for the delay.

PART 2: THE FORMAL COMPLAINTS PROCEDURE

The Stages of Complaints

Condover CE Primary's Complaint Procedure has well defined stages. At each stage it clarifies 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 if further investigations are required by the Headteacher or Executive Headteacher after a meeting with the complainant. Both of these examples could be included.

Three stages are likely to be sufficient for hearing a formal complaint:

Stage 1: Complaint heard by the Headteacher or Executive Headteacher (if not, the subject of the complaint);

Stage 2: Complaint heard by Chair of Governors (or the Vice Chair if the Chair of Governors is the subject of the complaint);

Stage 3: Complaint heard by the Governing Body's Complaint Committee

PART 3: MANAGING AND RECORDING COMPLAINTS

Recording Complaints

The school will record the progress of the complaint and final outcome. A complaint may be made in person by telephone, by email or in writing. However, a complaint which has reached Stage Three must be in writing either by letter or email. At the end of a meeting or telephone call it would be helpful if the member of staff ensures that the complainant and the school have the same understanding as to what was discussed and agreed. A brief note of any meetings and telephone calls can be kept and a copy of any written response added to the record.

The Complaints' Co-ordinator is responsible for maintaining records securely.

Governing Body Review

The Governing Body can 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 Governing Body should not wherever possible name individuals.

As well as addressing an individual's complaint the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard schools may identify underlying issues that need to be addressed and monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating school performance.

Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. At Condover CE Primary School the complaints process will be publicised via the School website.

COMPLAINTS PROCEDURE

Stage One - Complaint heard by the Headteacher / Executive Headteacher

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 will respect the views of a complainant who indicates that he/she would have difficulty discussing the complaint with either the Headteacher or Executive Headteacher and refer the complaint to the Chair of Governors.

Similarly, if the Headteacher or Executive Headteacher feel too compromised to deal with a complaint they may consider referring the complainant directly to the Chair of Governors. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Governor the next step would be to refer the complainant to the Headteacher or Executive Headteacher and advise them about the procedure. Governors should 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 a procedure.

Stage Two: Complaint heard by the Chair of Governors

If the complainant is unhappy that the complaint has not been resolved they may request that their complaint be considered by the Chair of Governors. The Chair of Governors will investigate the complaint and convey the outcome to the complainant. If the complaint refers to the Chair of Governors then Stage Two will be overseen by the Vice-Chair of Governors.

Stage Three: Complaint heard by the Governing Body's Complaints Committee

If the complainant feels that their complaint still hasn't been resolved they need to write to the Chair of the Complaints Committee giving details of the complaint.

The Chair will acknowledge receipt of the letter within three days and would ask the Clerk to convene a meeting of the Governing Body's Complaints Committee. This meeting will whenever possible take place within three weeks (excluding school holidays) of despatch of the acknowledgement letter unless a longer period (perhaps to arrange suitable dates or collate information) is necessary in which case the Chair must inform the complainant the reason for the delay.

The Governors' Complaints Committee 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 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 appoint annually a Committee consisting of three members with reserves with delegated powers to hear complaints at this stage in the complaint process and set out its terms of reference.

These include:-

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

The Governing Body will appoint the Chair of the Complaints Committee at its Autumn Term meeting.

The complainant and the person who is the subject of a complaint should be permitted to bring a supporter should they so choose.

The Remit of the Complaints Committee

The Committee 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 schools systems or procedures to ensure that problems of a similar nature do not recur

There are several points which any Governor sitting on the Complaints Committee needs to remember:-

- It is important that the Committee is independent and impartial and that it is seen to be so. No Governor may be a member of the Committee if they have had a prior involvement in a complaint or in the circumstances surrounding it. In deciding the make-up of the Committee, Governors need to try and ensure that it is a cross section of categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the meeting which needs to be held in private will always be to resolve a 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 Committee does not find in their favour. It may only be possible to establish the facts

and make recommendations which will satisfy the complainants that his or her complaint has been taken seriously.

- An effective Committee will acknowledge that many complainants feel nervous and inhibitive in a formal setting. Parents often feel emotional when discussing an issue which affects their child. The Chair of the Committee 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.
- Extra care needs to be taken when the complainant is a child.
- The Governors sitting on the Committee need to be aware of the Complaints Procedure.
- **The Committee should meet on a bi-annual basis to review the Complaints Procedure.**

ROLES AND RESPONSIBILITIES

The Role of the Clerk

It is important that any complaints meeting which is considering complaints should be clerked. The Clerk would be the contact point for the complainant and be required to:-

- Set the date, time and venue of the meeting and ensure the dates are convenient to all parties and that the venue and procedures are accessible.
- Collate any written material and send it to the parties in advance of the meeting.
- Meet and welcome the parties as they arrive at the meeting.
- Record the proceedings.
- Notify all parties of the Committee's decision.

It is important that the Clerk does not influence in anyway the decision taken by the Committee and must be seen to be impartial at all times.

The Role of the Chair of the Governing Body

The Chair of the Governing Body will:-

- Check that the correct procedure has been followed.
- If a hearing is appropriate notify the Clerk to arrange.

The Role of the Chair of the Committee

The Chair of the Committee has a key role ensuring that:-

- The remit of the Committee is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- The issues are addressed.
- The 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 meeting is conducted in an informal manner with each party treating the other with respect and courtesy.
- The Committee is open minded and acting independently.
- No member of the Committee 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 Committee's Decision

The Chair of the Committee needs to ensure that the complainant is notified of the decision in writing of the Committee's response within seven days of the meeting. The letter needs to explain that the complainant can contact the Local Authority or the Secretary of State if they wish to pursue the matter further.