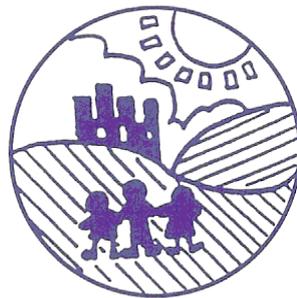


DERBYSHIRE LA

COMPLAINTS PROCEDURE

FOR EXTERNAL COMPLAINTS ABOUT THE ACTIONS OF SCHOOL STAFF AND VOLUNTEERS



Castle View Primary School

Overview

From 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England 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.

The law also requires the procedure to be publicised. This policy is available on the school website, available to new parents and in the school's policy folder.

Disciplinary action, Safeguarding and criminal investigations are dealt with through separate specific procedures.

Anonymous complaints cannot be dealt with under this procedure.

Dealing with Complaints – Initial concerns

1. We need to be clear about the difference between a concern and a complaint.

We endeavour to take informal concerns seriously at the earliest stage in order to reduce the numbers that develop into formal complaints.

2. 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 apologising where necessary.

Aims:

- To encourage resolution of problems by informal means wherever possible;
- To be easily accessible and publicised;
- To be simple to understand and use;
- To be impartial;
- To be non-adversarial;
- To allow swift handling and keeping people informed of the progress;
- To ensure a full and fair investigation by an independent person where necessary;
- To respect people's desire for confidentiality;
- To address all the points at issue and provide an effective response and appropriate redress, where necessary;
- To provide information to the school's senior management team so that services can be improved.

Where the first approach is made to a governor, the next step would be to refer the complainant to the Headteacher and advise them about the procedure. It would be useful if governors did 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 although they would be able to accompany the complainant to any planned meetings. The Governor should inform the Headteacher of the complaint as soon as possible.

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 Stages of Complaints

1. Complaint brought to the attention of the class teacher or person offering the service, in the event of extended school services, to be resolved informally;
2. Complaint heard by headteacher;
3. Complaint referred to the Chair of Governors or their representative for them to resolve;
4. Complaint heard by Governing Body's Complaints Panel and formal complaints procedure used (Governors involved previously would not be able to hear the complaint at this stage);

Investigating Complaints

At each stage, the person investigating the complaint 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.

Where complainants or members of staff are invited to a planned meeting either as part of the investigation or of The Complaints Panel any request to be accompanied by a friend or representative should be accommodated.

Resolving Complaints

At each stage in the procedure schools will want to 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;
- 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.

Complainants will be 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.

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

If properly followed, a good 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 Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If a complainant is behaving in a threatening or aggressive manner or in a way which breaches school policies they will be asked to leave the premises and may be banned from the premises. Nowhere in this school will we tolerate violent, aggressive or abusive behaviour.

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. We aim to have 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.

Following informal attempts to resolve the complaint the Formal procedures can be used by the complainant where they are still unhappy with the outcome.

Dealing with Complaints – Formal procedures 1

The formal procedures will need to 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. The Headteacher should ask the complainant to put their complaint in writing, stating that they wish to make a formal complaint. The letter should include their name and contact details and the nature of the complaint.

The Headteacher should:

- acknowledge the letter within 2 working days
- investigate the complaint and decide how best to resolve it within a further 5 working days
- Provide a written response outlining how the investigation was conducted and the outcome of the complaint, as well as offering the complainant the opportunity to discuss the outcome if appropriate. This should be within 2 days of completing the investigation.
- Advise the complainant that if they are dissatisfied with the outcome their complaint will be considered by the Chair of Governors at Formal stage 2.

- Inform the Chair of Governors that a Formal Complaint has been received and what action will be taken to provide a response without discussing the nature of the complaint at this stage.

If the Headteacher is not able to resolve the complaint and/or the complainant still remains unhappy the complaint should be dealt with at Formal Stage 2.

In the event the complaint is about the way in which the school has dealt with a complaint or the complaint is about the Headteacher, the matter should be submitted in writing, to the Chair of Governors and addressed to Castle View Primary School. It will be dealt with directly at Stage 2.

Formal Stage 2

The complainant should be informed that their complaint has been passed to, and how to contact, the Chair of Governors. The complainant should write to the Chair of Governors and that letter should include their name and contact details, the nature of their complaint, where appropriate the reasons why they were unhappy with the headteacher's decision.

At this stage it is important that only the Chair of Governors is involved, as other Governors may have to listen to any subsequent hearings which may result from an investigation of the complaint.

The Chair of Governors should:

- Acknowledge the letter within 2 working days
- Conduct an investigation and speak to everyone involved as soon as practicable. This will usually be within 10 working days.
- Provide a written response outlining how the investigation was conducted and the outcome of the complaint, as well as offering the complainant the opportunity to discuss the outcome if appropriate. This should be within 2 working days of completing the investigation.
- Advise the complainant that if they are dissatisfied with the outcome their complaint will be considered by the Complaints Panel of the Governing Body at Formal stage 3.

If the Chair of Governors is not able to resolve the complaint and/or the complainant still remains unhappy the complaint should be dealt with at Formal Stage 3.

Formal Stage 3-Governors' Complaints Panel

If the complainant is dissatisfied with the outcome of the Chair of Governor's investigation they should write to the Chair of Governors stating why and request that their complaint be referred to the Complaints Panel of the Governing Body.

The Complaints Panel will comprise of 3 Governors who have not previously been involved in the complaint and/or do not have a personal or pecuniary interest. It may be inappropriate for the Complaints Panel to include teacher or staff Governors.

A meeting of the Complaints Panel will be convened within 10 working days of the request.

At least 5 working days before the meeting members of the Complaints Panel should receive papers about the complaint which should include as appropriate:

- A copy of the original complaint

- An outline of any investigation carried out by the Headteacher at Formal Stage 1
- A copy of the letter sent to the complainant about the outcome at Formal Stage 1
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Formal Stage 1
- A copy of the letter to the Chair of Governors requesting an investigation at Formal Stage 2.
- An outline of any investigation carried out by the Chair of Governors at Formal Stage 2.
- A copy of the letter sent to the complainant about the outcome at Formal Stage 2.
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Formal Stage 2.
- A copy of the letter requesting that the complaint is heard by the Complaints Panel.

The complainant should be invited to attend the meeting to state their case and should be offered the opportunity to be accompanied by a friend or other adult if they wish. Normally children should not attend. If the Complaints Panel thinks that it would be helpful for a child to be present the Governors should seek the permission of the parents. The complainant does not have to attend the meeting in which case the Complaints Panel will consider the documentary evidence provided by the complainant. The Headteacher and/or Chair of Governors should be invited to attend the meeting to state their case. They do not have to attend the meeting in which case the Complaints Panel will consider the documentary evidence relating to any investigation(s) the Headteacher or the Chair of Governors has carried out. The Complaints Panel may invite the Chief Education Officer's representative to provide advice and guidance.

The Complaints Panel will consider 2 questions only:

1. Whether the investigation(s) were conducted properly and reasonably within this procedure.
2. Whether the outcome was reasonable and appropriate

If the Complaints Panel decides the answer to the second question is no it should decide a different outcome to the complaint.

The Panel will have the opportunity to question the complainant, Headteacher and/or Chair of Governors when they have stated their cases. When the Complaints Panel is satisfied that it has all the information it needs it will consider all the evidence and decide an outcome. In the event that further information is needed and it is not available at the time the meeting may be adjourned and reconvened at a mutually convenient time. This should be as quickly as possible and wherever practicable within 5 working days.

When the Complaints Panel has all the information it needs the complainant, Headteacher and /or Chair of Governors will leave the meeting. The Complaints Panel will then reach its decision in private. It will decide:

- Whether the earlier investigation(s) were conducted appropriately and reasonably
- Whether the decision of the Headteacher and /or Chair of Governors was reasonable and appropriate
- Where appropriate an alternative outcome to the complaint
- The complainant should be informed of the Complaints Panel's decisions in writing within 2 working days.

The decision of the Complaints Panel is Final. 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.

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

- 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 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.
- c. 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.
- d. Extra care needs to 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 to 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, it

would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

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

Roles and Responsibilities

The Role of the Clerk

The clerk would be the contact point for the complainant and be required 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;
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

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;
- 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.

If the complaint concerns the conduct of the headteacher it will be heard by the Governing Body complaint's panel.

The Role of the LA

The Local Authority has no statutory role in resolving external complaints about the actions of school staff.

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. Preferably, complaints information shared with the whole Governing Body 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, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale

Signed..... Date.....\.....\.....