

Goddard Park

Community Primary School

An Integrated Academy and Children's Centre

Headteacher: Mike Welsh

Everybody learns, everybody cares



Complaints Procedure Policy

Reviewed: Autumn 2016

General Principles of Complaints

The School will give careful consideration to all concerns/complaints and deal with them fairly and honestly. We will provide sufficient opportunity for any concern/complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding. The School will respect people's desire for confidentiality, wherever possible although some information sharing may be necessary to carry out a thorough investigation. If you do not have a child at school, then the Headteacher will consider your Complaint and respond appropriately.

What if I have a concern/complaint about?

- Statementing for children with special educational needs
- Disciplinary issues relating to members of staff
- Allegations of abuse
- Admissions and exclusion appeals
- Provision of collective worship & RE
- Delivery of the national curriculum

These procedures do not deal with these types of complaint. There are existing statutory bodies, personnel or other procedures for dealing with these issues. The School will be able to assist you in pursuing complaints on these issues.

Principles

An effective 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 and 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 re-dress where necessary;

- Provide information to the school's Senior Leadership Team so that services can be improved.

Dealing with complaints – initial concern

The school needs to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

These key messages deal 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 apologising where necessary.

Dealing with complaints – formal procedures

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 school has to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure, termed the school's complaints co-ordinator.

The person is Beverley Mann, Deputy Headteacher.

Investigating Complaints

At each stage, the person investigating the complaint (the complaints co-ordinator) will make sure they:

- 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.

Resolving Complaints

At each stage in the procedure the school 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.

It would be useful if complainants were 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 as far as the Academy is concerned.

Complaining to the Education Funding Agency (EFA)

The Education Funding Agency (EFA) will normally only consider a complaint about an Academy after the Academy's own complaints procedure has been exhausted. The EFA cannot review or overturn decisions about complaints made by Academies, they can only investigate whether the Academy considered the complaint appropriately. If the EFA finds that an Academy did not consider a complaint appropriately it can request the Academy to re-consider the complaint.

The EFA will investigate complaints about:

- undue delay or non-compliance with an Academy's own complaints procedure;
- allegations that the Academy has failed to comply with a duty imposed on it under its Funding Agreement with the Secretary of State;
- allegations that the Academy has failed to comply with any other legal obligation placed on it, except in cases where there is another body or organisation that is, in the view of the EFA, better placed to consider and, if necessary, take further action in connection with the issue (including, but not limited to, a Court of law or other Tribunal of competent jurisdiction, local authorities or other regulatory bodies).

The EFA will not investigate complaints about:

- examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;
- a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First-Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST): <http://www.justice.gov.uk/tribunals/send>;
- matters that are the subject of legal action.

The EFA will not usually investigate complaints more than twelve months after the decision or action was taken unless the complainant has good reason for the delay in making the complaint.

The EFA reserves the right not to investigate complaints considered to be vexatious or malicious or where they are satisfied with the action that the Academy has already taken or proposes to take to resolve the complaint.

Complaints to the EFA about Academies should be submitted via the schools complaints form using this link: [Schools complaints form](#) or by going to:

https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

- By post to Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH

For further advice regarding 'complaining about an Academy' please visit

<https://www.gov.uk/complain-about-school>

The Role of Ofsted in Complaints about Daycare Provision

In some circumstances, it will be necessary to bring in Ofsted, which has a duty to ensure laid down requirements are adhered to, to encourage high standards. Ofsted would be involved if a child appeared to be at risk or where there seemed to be a possible breach of registration requirements. In these cases both parent/carer and the setting would be informed and Ofsted would ensure an investigation of the complaint was followed by appropriate action. Should you feel the need to contact Ofsted yourself for any reason then please use the address below.

Ofsted,
The National Business Unit,
The Royal Exchange Building
St. Ann's Square,
Manchester.
M27LA
Tel: 0845 601 4771

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 (see Appendix A). 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.

The Formal Complaints Procedure

The Stages of Complaint

1. The school complaints procedure has well defined stages as indicated in Appendix A. 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 Complaints Coordinator after a meeting with the complainant.

2. Three school-based stages are likely to be sufficient for most schools:
 - Stage One: complaint heard by Complaints Coordinator (though not the subject of the complaint);
 - Stage Two: complaint heard by Headteacher;
 - Stage Three: complaint heard by Governing Body's complaints appeal panel (including one member who is independent of the School).
3. An unsatisfied complainant can always take a complaint to the next stage. They can be accompanied at a Panel hearing if they wish.
4. In the case of a complaint which concerns the conduct of the Headteacher the complaints co-ordinator may refer the complaint to the Chair of Governors. When the first approach is made to a Governor, the complaint should be referred to the complaint co-ordinator.

Managing and Recording Complaints

Recording complaints

1. The school will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Appendix B. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.
2. The records will be held centrally.

Governing Body Review

1. The Governing Body will review this procedure annually. They 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. Preferably, complaints information shared with the whole Governing Body will not name individuals.
2. 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 the school 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.

Publicising the Procedure

Details of the Complaints Procedure are included in:

- The information given to new parents when their children join the school;
- The school website (www.goddardpark.co.uk)

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. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected 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 complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the headteacher, the complaints co-ordinator can refer the complainant to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring 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 would be to refer the complainant to the appropriate person 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.

This stage should take no longer than 10 days.

Stage Two: Complaint Heard by Headteacher

The Headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

This stage should take no longer than 10 days.

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 Complaint Panel of at least three people who were not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the school. The complainant can be accompanied at a Panel hearing if they wish.

The governors' appeal hearing 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 GB 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 may 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 panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

The Hearing will normally be arranged within 20 days of receipt of the complaint by the Chair of the Governors. The decision of the Panel will be relayed to the complainant within 5 days of the hearing.

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-one 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. At least one member of the panel must be independent of the management and running of the school (not a governor).
- 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. The complainant will be informed that they can be accompanied at a Panel hearing if they wish.
- 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 members sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The Department strongly recommends that any panel considering complaints be clerked. 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 within 5 days of the hearing.

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

The nominated governor role:

- 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.

Notification of the Panel's Decision

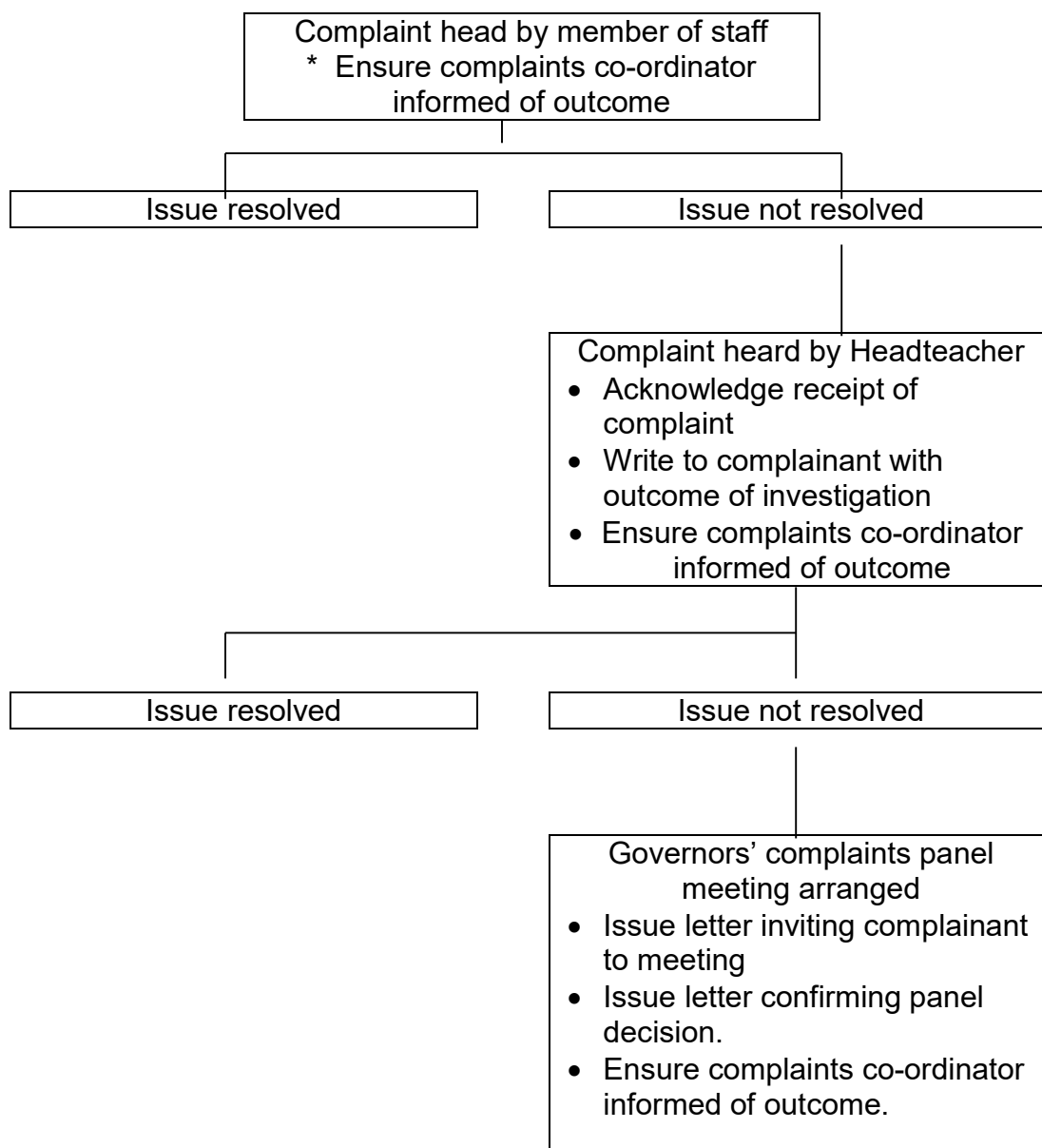
The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, within 5 days of the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

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.

Summary of dealing with Complaints



Complaints Form

Please complete and return to Mrs Beverley Mann (complaints co-ordinator) who will acknowledge receipt and explain 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)?

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: