

GAYTON PRIMARY SCHOOL



Complaints Policy

Approved by:

SLT & Governors

Last Reviewed on:

June 2017

Next review due by:

June 2020

If you have a concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you wish to tell us, our support and respect for you and your child will not be affected. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago.

What to do first

Most concerns can be sorted out quickly by speaking with your child's class teacher. This is stage 1 of our concern/complaints procedure and most concerns/complaints are resolved at this point. If you remain concerned you should approach the Headteacher or another member of the senior staff. At this point most matters will still be managed face to face. This would conclude stage 1 of the process and with your help we would hope that matters would have been resolved.

If you remain concerned

If you are dissatisfied with the teacher's response (or with the Headteacher's or Senior member of staff's initial response) you can make a written complaint to the Headteacher. There is a form available for this purpose, please request a copy from the school office. You should place your completed form in a sealed envelope and address the envelope for the attention of the Headteacher. You should mark the envelope as confidential.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors. In these circumstances you should write to the Chair of Governors, c/o Gayton Primary School Office and mark your envelope confidential. If there is insufficient information in your letter, don't worry, you will be given an opportunity to provide further information.

The Headteacher/Chair of Governors may ask to meet with you to discuss the problem or they may feel they have sufficient information. You may take a friend or someone else with you to such a meeting, if you wish. The Headteacher may decide there is sufficient information to conduct an initial investigation of the complaint or may request reports from members of staff and/or pupils involved. The Headteacher may also choose to interview staff or pupils involved. You will receive a written response to your complaint and this will conclude stage 2 of the procedure. We would hope that with your support, matters would now be resolved to the satisfaction of yourself, the member of staff concerned and the Headteacher or Chair of Governors. If you remain dissatisfied you should notify the Headteacher or Chair of Governors in writing within 10 working days of receipt of the written stage 2 response. As appropriate the Headteacher or Chair of Governors would decide on the next step which may be to move to stage 3 or 4.

Stages of the procedure explained

Stage 1

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or office staff or Headteacher, depending on whom the complainant first approached. Complainants must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take the issue further.

A model procedure for schools to use at Stage 1

- Complainants may be offered an opportunity to discuss their concern with the appropriate member of staff designated to deal with the situation who will clarify with the complainant the nature of the concern, and reassure them that the school wants to hear about it. The member of staff may be able to explain to the complainant how the situation happened. It can be helpful to identify at this point what sort of outcome the complainant is looking for.
- If the member of staff first contacted cannot immediately deal with the matter, s/he should make a clear note of the date, name, contact address or phone number and a brief note on the nature of the complaint. • Staff should not make promises that they may not be able to keep or if they do not have the authority to speak on behalf of the school on such matters. It is best at this stage to listen carefully, make notes and inform the parents the matter will be addressed.
- All members of staff should know how to refer on a concern, if necessary, to the person with responsibility for the particular issue raised by the complainant. S/he should check later to make sure that the referral has been successful.
- It is probably best if all complaints are shared with the Headteacher, who should at least check that the member of staff has the necessary experience to address the issue. They should decide if they wish to sit in on any meetings.
- The Headteacher may decide to deal with concerns directly at this stage.
- If the concern relates to the Headteacher, the complainant should be advised to contact the Chair of the Governing Body by letter addressed to the Chair of Governors, c/o school office and marked as confidential. • If action has been agreed the member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed and put this in writing in a polite and courteous letter. As a minimum a note should be made of the action and retained.
- Where no satisfactory solution has been found within a maximum of 15 school days, complainants should be asked if they wish their concern to be considered further. If they do, then they should be given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

Stage 2

At stage 2 it has become clear that the concern is a definite complaint. In some cases the Headteacher or senior member of staff will already have been involved in looking at the matter; in others it is their first involvement. In either case, it is helpful for the Headteacher (or the person delegated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

As Headteachers have responsibility for the day-to-day management of their schools, they also have responsibility for the implementation of a complaints procedure, including the decisions about their own involvement at various stages. One of the reasons for having various “stages” in a complaints procedure is to reassure complainants that their grievance may be heard by more than one person.

A model procedure for school to use at Stage 2

- The Headteacher (or designate) acknowledges the complaint orally or in writing, within a maximum of 3 school days of receiving the complaint, confirming the exact nature of the complaint. The acknowledgement should give a brief explanation of the school’s complaint procedure and a target date for providing a response to the complaint. This could be within 15 school days, if this proves to be a difficult time scale, a letter should be sent explaining the reason for any delay and giving a revised target date for a response.
- The Headteacher (or designate) may provide an opportunity for the complainant to meet him/her to supplement any information provided previously. It should be made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can

speak on his or her behalf; and that interpreting facilities are available if needed. The complainant may be asked to complete a school complaint form if this has not already been requested. A request that a complaint form is completed may be required for any additional information provided by the complainant.

- If necessary, the Headteacher (or designate) could request written reports and/or interview witnesses and take signed statements from witnesses and those involved. If the complaint concerns a pupil, the pupil identified should be interviewed. The pupil should preferably be interviewed with another member of staff present and in the case of a serious complaint with their parents present. In the record of the interview it is advised that pupils should not be named but identified by a letter or number. A record should be kept of the allocated letter or number which would be treated as confidential.
- It is strongly advised that the Headteacher (or designate) should keep a written record of interviews, telephone conversations, and other documentation. In all reports and documentation pupils should not be named but referred to by a letter or number. A record should be kept of the allocated letter or number which would be treated as confidential.
- Once all the relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly. A written account of the outcome of such a meeting should be kept and shared with the complainant.
- A written response should include a full explanation of the decision and the reasons for it. Where appropriate, this should include what action the school will take to resolve the complaint. The complainant should be advised that if s/he wishes to take the complaint further s/he should notify the Chair of the Governing Body within a maximum of 10 school days of receiving the outcome letter.
- If a complaint is against the action of a Headteacher, the Chair of the Governing Body should carry out all the Stage 2 procedures.

Stage 3

Reconciliation Stage

This stage in the procedure can follow Stage 2 where the earlier stage has been investigated by a senior member of staff other than the Headteacher.

If the complainant is not content with the decision reached by the designate in response to their complaint the issue may be addressed by the Headteacher. An agreed period of time for this to take place could be established –within a maximum of 15 school days.

The Headteacher should endeavour to resolve any complaint they address at this stage and may seek to arrange a meeting with the complainant as soon as practical. The meeting offers an opportunity to reassess all the issues, discuss any further findings from the Headteacher's investigation, clarify the action to be taken by the school and allay the complainants worries and to seek reconciliation.

Should the complainant still be dissatisfied then they should be directed to put their complaint in writing to the Chair of Governors.

Stage 4

A model procedure for review by the Governing Body

- Upon receipt of a written complaint appropriate to this stage of the procedure or where a complainant appeals against the decision of the Headteacher (Stage 2 or 3 of the procedure) within an agreed period, with a maximum of 15 school days of receipt of the decision letter, the Headteacher must notify the Chair of Governors so that a review can be instituted.
- The Clerk to the Governing Body should write to the complainant to acknowledge that the Chair of Governors has received a written request for a review. The letter could also explain that the complainant has the right to submit any further documents relevant to the complaint. These should be made available immediately so that they can be circulated to all committee members.

- The committee of the Governing Body should set a timetable for the investigation and should communicate the timetable to the complainant.
- The Clerk to the Governors should arrange to convene the Complaints Committee elected from members of the Governing Body. (It may be necessary for the Governing Body to appoint reserves to this committee to ensure that three governors are available to carry out their task within the set time).
- The Complaints Committee members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the committee; otherwise the Vice Chair should do so. Generally it is not appropriate for the Headteacher to have a place on the committee.
- The Chair/Vice Chair should ensure that the complaint is heard by the committee within a maximum of 20 school days of receiving the letter. If this time scale proves difficult, a letter should be sent explaining the reason for the delay and giving a revised target date for the hearing. All relevant correspondence from the complainant must be made available to the Clerk to Governors at least 10 school days before the hearing. This will enable papers to be photocopied and supplied to all participants.
- The Chair/Vice-Chair should write and inform the complainant, Headteacher, any relevant witnesses, and members of the committee at least 5 school days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter should also explain how the meeting will be conducted. An agenda for the hearing will be provided for all participants.
- The Chair/Vice-Chair of the Governing Body should invite the Headteacher to attend the committee meeting and prepare a written report for the committee in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the headteacher's report should be received by all concerned – including the complainant – at least 5 school days prior to the meeting.
- The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the committee.
- It is the responsibility of the Chair of the committee to ensure that the meeting is properly minuted.
- The aim of the meeting should be to resolve the complaint and achieve a reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- The committee should remember that many complainants are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the committee. It is therefore recommended that the Chair of the committee ensures that the proceedings are as informal as possible without compromising the process and that the process remains fair and equitable for all participants.
- All evidence and papers should have been presented prior to the hearing and distributed to all participants. If either party should attempt to introduce previously undisclosed evidence or witnesses the chair of the committee should not permit such evidence or witnesses to be presented. If there is an exceptional reason why the evidence was not provided at the correct time the Chair of the Committee would decide if they were willing to permit the evidence to be presented at this late stage. There would need to be a clear and acceptable reason for not having presented the evidence at the requested time prior to the hearing. If permitted to present late evidence, it would be in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The meeting should allow for:

- the complainant to explain their complaint
- the Headteacher to question the complainant and witnesses about the complaint
- the Headteacher to explain the school's response - the complainant to question the Headteacher and/or other members of staff (if invited to be present by the Chair of the committee) about the school's response - committee members to have an opportunity to question both the complainant and the Headteacher, usually to clarify any matter that has not been clear
- any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses

- final statements by both the complainant and the Headteacher are requested.
- The Chair of the committee should explain to the complainant and the Headteacher that the committee will consider its decision, and a written decision will be sent to both parties within a maximum of 15 school days. If this proves to be a difficult time scale, a letter will be sent explaining the reason for the delay and giving a revised target date for a response.
- The complainant, Headteacher, other members of staff and witnesses should then leave.
- The committee should then consider the complaint and all the evidence presented and decide whether to:
 - uphold the complaint in full
 - uphold it in part, or
 - dismiss it.
- A written statement outlining the decision of the committee must be sent to the complainant and Headteacher.
- The chair should ensure that parents are aware that they can complain to the Secretary of State for Education if they are unhappy with the outcome of the review.
- The school should ensure that a copy of all correspondence and notes are kept on file in the school's records.

Complaints Committee Model Agenda

Formal Complaint to a School's Governing Body

Model Agenda

1. Apologies.
2. To consider members' declaration of interests, entitlement to vote and any requirements to withdraw from the meeting.
3. To confirm the order of the procedure.
4. To agree whether the decision should be conveyed orally to all parties at the end of the meeting (as well as in writing afterwards).
5. Invitation to complainant and Headteacher to join meeting and introduction to governors.
6. Introduction and explanation of procedure.
7. To note the role of the clerk at the meeting.
8. Complainant's presentation and witnesses and questions to both by Headteacher and/or governors.
9. Headteacher's response and witnesses and questions to both by complainant and/or governors.
10. Any further questions or points from any of the parties.
11. Opportunity for summing up by Headteacher.
12. Opportunity for summing up by complainant.
13. Summing up by the Chair.
14. Complainant and Headteacher leave meeting.
15. To decide on the complaint. The committee can
 - uphold the complaint in full
 - uphold it in part, or
 - dismiss it.
16. To consider whether and if necessary how to refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the Headteacher.
17. To inform the complainant and the Headteacher of the governing body's decision and further rights of representation (if agreed at 4 above).
18. Confidentiality: to consider whether any items are confidential and should therefore not be available to persons wishing to inspect governing body papers.