

The Firs Lower School

Complaints Policy



Introduction

From time to time, parents may naturally have concerns about an aspect of their child's education. Often those concerns will resolve themselves but on occasions parents may feel that the issue will need the School's help to be resolved.

As partners in children's education, the School wishes to work with parents in the resolution of problems and this policy is designed to show what steps may be taken.

General Principles

- This procedure is intended to allow you to raise a concern or complaint relating to the school or the services that it provides
- An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than three months after the event, being complained of, will not be considered.

The difference between a concern and a complaint

The DfE 'Best Practice Advice for School Complaints Procedures 2016' states that 'A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

Concerns and Formal Complaints will be managed following stages, as set out below:

Stage 1 - An Informal Concern

- On most occasions these can be resolved immediately by speaking with a teacher or the school office, who can provide clarification or further information. It may be necessary to make an appointment at a time which is convenient to both parties.
- The member of staff should know the nature of the concern when arranging a meeting, so that they may investigate further, if necessary.
- The purpose of a meeting will be to establish a solution or to agree a plan of action to resolve the concern. If the meeting fails to do so, then the parent should make an appointment to see the Headteacher.
- The Headteacher will normally look into the matter and meet with the parent to suggest a workable solution. If a parent feels that the matter has not been satisfactorily resolved, the parent may request a further meeting or consider making the matter the subject of a formal complaint.

The Firs Lower School
Complaints Policy

- It is important that due procedure is followed with a view to seeking resolution to a concern or complaint. If procedures are not followed, this may result in the complaint not being taken forward by the School.
- In the case of a serious concern or complaint, it may be appropriate to contact the headteacher directly (or the Chair of Governors if the matter concerns the headteacher).

Stage 2 Initial Response To A Formal Complaint

- If the concern is not resolved at the informal stage, it **must** be put in writing. A complaint form is available to help. (See Appendix B)
- The complaint should include details which might assist the investigation, such as names of potential witnesses, dates and times of events and copies of relevant documents.
- It is very important that the complaint includes a clear statement of the actions the complainant would like the school to take to resolve the complaint. (Without this, it is much more difficult to proceed).
- This will then be passed to the Headteacher, who will either investigate the matter or delegate this responsibility to a senior colleague. (If the complaint is about the headteacher, it should be addressed to the Chair of Governors).
- The school will contact the parent within **two** school days, to confirm that the complaint has been received.
- The Headteacher may contact the complainant / invite them to a meeting, to clarify the matter and explore the possibility of an informal resolution. If they accept the invite the complainant may be accompanied to this meeting by a friend.
- It is possible that the complaint will be resolved through a meeting with the headteacher (or Chair of Governors). If not, arrangements will be made for the matter to be fully investigated and the school will write to the complainant, usually within **five** school days after receiving the complaint, concerning how the school intends to proceed. This letter will include an indication of the anticipated time scale; usually no longer than **ten** school days)
- On the conclusion of the investigation, the Headteacher will write to the complainant with the outcome of the investigation. If the outcome of the investigation results in the implementation of staff disciplinary or other confidential processes, such procedures will remain strictly confidential.

The Firs Lower School
Complaints Policy

Stage 3 - Investigation by The Chair of Governors

- If the complainant is not satisfied with the manner in which the process has been followed or if the complaint is about the Headteacher, then a full written complaint (see Appendix C) should be made to the Chair of Governors at the School's address (within **ten** school days of the completion of the investigation by the Headteacher).
- The Chair of Governors will write to the parent to confirm receipt of the letter within **five** school days and will investigate the matter fully and reply within a further **fifteen** school days. In some circumstances, the Chair may ask another governor to carry out the investigation on their behalf.
- The Chair will collect such other evidence as is deemed necessary and may interview other witnesses. These meetings / interviews will be documented.
- The Headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair.
- Where a complaint is judged by the Governing Body to be vexatious or harassing, the complaint will be addressed in accordance with the Vexatious Complaints and Harassment Policy.
- If the complaint is about the Headteacher, then once there has been an opportunity for the Headteacher to consider this he/she will meet separately with the Chair to present a response. A friend or representative may accompany the Headteacher at this meeting. On the conclusion of this meeting, the complainant and Headteacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary or capability action which might ensue.
- This will now bring the Chair's investigation to a close. If the complainant is not satisfied with the manner in which the complaint has been investigated, a request may be made for the Governing Body to hold a formal review of the process, which will take the form of a hearing.
- Any such request must be made in writing to the Chair within **ten** school days of receiving notice of the outcome of the Chair's investigation and must state the reasons for the implementation of the next stage. (See Appendix D) The complainant is entitled to access any information in relation to the investigation in accordance with the School GDPR Policy.

Stage 4 - A Formal Review

- On receiving a formal request for the complaint to be taken to the next stage, the Chair of Governors will acknowledge the request within **five** school days and then will write to the complainant within a further **five** school days to inform them of the date and time of the hearing (which will be composed of three Governors).

The Firs Lower School
Complaints Policy

- The Governors have the right to include additional advisory members in the composition of the panel e.g. a representative from the school's HR services provider or other relevant qualified person. They will be present in an advisory capacity only.
- The hearing will take the following form:
 1. Any people meeting with Governors at the hearing will do so separately.
 2. The complainant will be invited to attend the meeting, giving the opportunity to inform the panel of the details of their concern. The governors may question the complainant to seek further clarification of the detail of the concern. The complainant may bring a friend with them to the hearing.
 3. The panel will then meet with the Headteacher and / or Chair of Governors to seek their view of the issue. If the complaint is about the Headteacher, they may be accompanied by a friend or representative.
 4. The panel can call upon witnesses / other relevant parties, who may be questioned by the panel. Details of any witnesses/ other parties must be notified ahead of the hearing to all parties.
 5. Once the panel have clarified any issues, the Headteacher, Chair of Governors and any other parties will be asked to leave, while they consider their response to the complaint.
 6. 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 procedures or policies to ensure that problems of a similar nature do not recur.
- The Chair of the Hearings Panel will write to the complainant and the Headteacher and/or Chair, as appropriate, within **forty-eight hours** of the hearing with their findings. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.
- The complainant will not be informed of any disciplinary or capability action which might follow. However, if the investigation does result in a change to the School's policies being implemented, the complainant will be informed of the detail of this.
- This will bring the involvement of the Governing Body to a close and further correspondence cannot be entered into.
- If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representation to the Secretary of State for Education. (These powers are delegated to the School Complaints Unit (SCU) on www.education.gov.uk/help/contactus or 0370 000 2288. The SCU will consider whether the Governing Body has acted lawfully / reasonably, following school policy.)

The Firs Lower School
Complaints Policy

It is noted that complaints regarding: Admissions; National Curriculum; Child Protection; School Exclusions and some aspects of Special Educational Needs have different procedures. For further guidance on these matters parents will be advised to contact the appropriate authority.

Guidance for Investigating and Recording Complaints

Investigating Complaints

At each stage, the person investigating the complaint should make sure that 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 and all communications.

Resolving Complaints

At each stage in the procedure the school will look to identify areas of agreement between the parties and find ways in which a complaint can be resolved. The school will seek to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues. To resolve the complaint 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 may be appropriate to encourage complainants 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.

The Firs Lower School **Complaints Policy**

Time-Limits

Complaints will be considered, and resolved, as quickly and efficiently as possible. Realistic time limits for each action are set within each stage. However, where further investigations are necessary, new time limits may be set and the complainant sent details of the new deadline and an explanation for the delay.

Recording Complaints

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, although complainants will be encouraged to put them in writing where possible. At the end of a meeting or telephone call, clarification will be sought to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record (which will be kept in the School Complaints folder and/or electronically in School Google Drive. Records will be kept securely in accordance with the School GDPR Policy).

Governing Body Review

The GB 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. Complaints information shared with the whole GB 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, the school will look to identify underlying issues that may need to be addressed.

The Remit of a Governor Hearings Panel

It is important that the 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 will 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 and others appearing will 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

The Firs Lower School
Complaints Policy

proceedings are as welcoming as possible. The layout of the room will set the tone and care will be taken to ensure the setting is informal and not adversarial.

Extra care will 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 will 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, the parent will be given the opportunity to say which parts of the hearing, if any, the child needs to attend.

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

Complaints against Governors

Where a complaint is made against a governor, the procedures (Appendix A) 'Managing Complaints Against School Governors' should be followed.