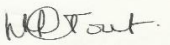




Policy Name	Complaints Procedure
Review and Approval by	Full Governing Body
Date Ratified	09/12/15
Signed By	
Position	Chair of Board of Governors
Review Period for this Policy	Bi-annual
Date for Future Review	November 2017

Implementation of this policy supports the duties to promote equality of opportunity and positive attitudes in relation to disability, gender and race and to eliminate discrimination on the grounds of age, disability, gender, race, religion or belief and sexual orientation.

Date	Changes
09/12/15	Stage 2 – complaint received within last 2 weeks of term.
30/01/16	Readjustment sizing of flowchart. Amend Governing Body to Board of Governors

Introduction

Schools value the generally good relations they enjoy with parents and the community. These good relations are based on mutual respect and a willingness to listen to other points of view. It is in the best interests of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.

Under Section 39(1) of the School Standards and Framework Act 1998 the duty to set up a procedure for handling complaints from parents was passed to Governing Bodies. 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.

The characteristics of an effective complaints procedure are:

- Encourage resolution of problems by informal means wherever possible
- Fairness to all parties
- Non-adversarial
- Simple to understand and operate
- Known and understood by all users
- Accessible to all users
- All users have faith in the procedure
- Allow swift handling with established time limits for action and keeping people informed of progress
- Respect people's desire for confidentiality
- Address all the points at issue and provide an effective response and appropriate redress, where necessary
- Provide information to the school's senior management team so that services can be improved.

Many schools already have a procedure in place for dealing with complaints relating to the school, often based on the procedure already in place for statutory complaints, e.g. those relating to curriculum matters, exclusions, SEN statements or accusations of child abuse.

This model policy is for those schools that have not adopted a formal procedure, or are looking to review their current practice. At any stage in the procedure any party may consult the nominated officer for school complaints or the Department for Children's Services Governor Support Team for impartial advice on matters of procedure.

Schools should make sure everyone has access to information about the complaints procedures, and be sensitive to the needs of those who may have literacy difficulties or for whom English is not their first language. Information should be provided in the format required by the individual, for example in Braille, on tape or translated into relevant languages. Details of providers can be obtained from the Department for Children's Services Business Support Section.

If complainants feel their concern has been taken seriously and dealt with sensitively, much ill will and time consuming argument can often be avoided. It is also important to keep the complainant informed and updated of progress. Third parties that use school premises for any purpose should be encouraged to have their own complaints procedure in place.

The Board of Governors should periodically review with the Headteacher how the complaints procedure is working and the methods used to publicise it. In such reviews certain points need to be borne in mind:

- wherever possible complaints should be resolved informally by the Headteacher and other staff without having to be referred to the Board of Governors.
- staff should be reminded that complaints often amount to no more than a request for information or clarification. Taking such informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- like other institutions, schools should avoid being defensive in responding to complaints. A good school displays the confidence and maturity to review its actions, practices and policies objectively and fairly in response to complaints, however difficult the situation to which these relate. The Board of Governors should be alive to any signs that staff may be trying to stifle complaints or make complainants feel that pursuing a legitimate complaint is likely to be fruitless, or are trying to take advantage of the reluctance of some individuals to complain because they fear the consequences for their child or themselves.
- at each stage in the procedure schools should keep in mind ways in which a complaint can be resolved and should encourage complainants to state what actions they feel might resolve the problem. Should the complaint be upheld 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;
- the record of complaints should be reviewed to assess the overall level, nature and outcome of complaints and identify any necessary steps that need to be taken to improve policies and procedures. A member of staff should be nominated to act as complaints co-ordinator (Headteacher) for the school.
- schools have sometimes to accept that there is no ready remedy against an individual who makes or pursues complaints that are or become vexatious and deflect the time and energies of staff and Governors from more constructive activities. In such cases, if the complainant tries to reopen the same issue the Chair of the Board of Governors should inform them in writing that the procedure has been exhausted and that the matter is now closed.

COMPLAINTS PROCEDURE

Stages of the procedure

- Stage 1 – informal discussion with appropriate member of staff and/or Headteacher
- Stage 2 – formal complaint to Headteacher
- Stage 3 – formal appeal to Board of Governors Complaints Appeal Panel
- Stage 4 – formal complaint to LA

Stage 1 – informal discussion with appropriate member of staff and/or Headteacher

Where a concern is brought to the school's attention it can often be resolved with a single conversation. Sometimes the issue is more complex and will take more than one discussion to resolve. Complainants should be encouraged to telephone to make an appointment with the appropriate member of staff or the Headteacher in order to discuss their concerns. Telephone calls

should be returned within 24 hours. The school should respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. Where the complaint concerns the Headteacher and cannot be resolved by arranging a meeting with him/her, the complainant should be referred to the Chair of Governors. Occasionally despite the best efforts of those concerned these discussions do not resolve the issue, which then may become a formal complaint.

Stage 2 – formal complaint to Headteacher

The complainant should be asked to confirm to the Headteacher that they wish to make a formal complaint, and it should be acknowledged in writing on the day of receipt, confirming that the investigation will be completed within 12 school days. If however the complaint is received within the last 2 weeks of the Summer term the Headteacher should attempt to contact the complainant by telephone to discuss the timescale for investigation and reporting. The letter acknowledging the complaint should confirm the details of this conversation or, if the Headteacher has been unable to make telephone contact, that the situation will be investigated at the beginning of the Autumn term and suggest a date for a meeting to discuss the findings. If it becomes apparent that further investigations are necessary new time limits should be set and the complainant informed of these together with the reasons for the delay.

The Headteacher should copy relevant papers to any member of staff named in the complaint and make a full investigation. On completion of the investigation the Headteacher should arrange a meeting with the complainant to discuss the results. The complainant should be encouraged to bring a friend or interpreter to the meeting. Immediately following the meeting a letter should be sent to the complainant outlining the results of the investigation and meeting and, if appropriate, detailing the proposed course of action. The complainant's right to refer the decision to the Board of Governors Complaints Appeal Panel should also be included in the letter.

Stage 3 – formal appeal to Board of Governors Complaints Appeal Panel

A complaint can only be made to the Board of Governors Complaints Appeal Panel if it relates to the Headteacher or the complainant has:

- already exhausted Stages 1 and 2;
- allowed 12 school days for the Headteacher to complete the investigation at Stage 2;
- accepted any reasonable offer by the school to discuss the findings of the investigation;
- taken part in any process of mediation offered by the school, such mediation should be undertaken by an independent person who has not been involved or know about the nature of the complaint; and
- contacted the Chair of Governors within two months of the event requesting that the complaint be referred to the Board of Governors Complaints Appeal Panel.

Where the complaint is received within the last 2 weeks of the summer term the Chair of Governors should attempt to contact the complainant by telephone to discuss the timescale for the appeal process. The letter acknowledging the complaint should confirm the details of this conversation or, if the Chair of Governors has been unable to make telephone contact, that the situation will be investigated at the beginning of the Autumn term and suggest a date for a meeting of the complaints appeal panel of the Board of Governors.

The Governors should set up a panel to deal with appeals on complaints relating to the school. This could be the committee that deals with exclusions or personnel issues, since the procedures will be similar. The panel's responsibility is to hear and decide about formal complaints that have not been

resolved at an earlier stage. The governors' appeal hearing is the last school-based stage of the complaints process and should not be convened to merely rubber-stamp previous decisions.

The panel should consist of 3 or 5 Governors who have not previously been involved in any aspect of the complaint. The Headteacher should not be a member of the panel and alternates should be named to ensure that the panel can be constituted when necessary. A complaint may give rise to subsequent disciplinary proceedings against a staff member and the procedure for dealing with a complaint should therefore be kept separate from any application of the school's staff discipline procedure.

It is important that the appeal hearing is independent and impartial and that it is seen to be so. In deciding the make-up of the panel, governors should try to ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

Many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The proceedings should therefore be as welcoming and informal as possible and the layout of the room in which the complaint is heard should be non-adversarial.

The complainant should contact the Chair of Governors within two months of the event, requesting a meeting of the panel responsible for appeals on complaints relating to the school, outlining the complaint, and providing all supporting evidence and specifying which matters remain unresolved. No new complaints may be included.

The Clerk to the Governors should arrange all matters relating to the meeting, including the date, that should be no later than 12 school days from receipt of the complaint, ensuring that it is held at a time that suits all parties. The Clerk should copy the complaint to the Headteacher who will have 5 school days in which to respond.

Any documents from either the complainant or the Headteacher to be considered by the panel, and the names of any witnesses or friends who might attend, must be received by the Clerk at least 7 school days before the meeting. Copies of the agenda and all documents should be forwarded to the panel members, Headteacher, complainant and Chair of Governors at least 5 school days before the meeting date. The Headteacher should copy relevant papers to any member of staff named in the complaint.

The complainant should be encouraged to bring a friend or interpreter to the meeting.

The Headteacher may bring a friend or professional representative to the meeting.

Any teachers or other members of staff requested to attend can bring a friend or professional representative.

Witnesses are only required to attend for the part of the hearing in which they give their evidence. The Headteacher may question both the complainant and his/her witnesses after each has spoken and the complainant may likewise question the Headteacher and his/her witnesses. The panel may ask questions at any time. Having summed up the complaint and the school's response the complainant and Headteacher should leave together while the panel decides on the issues.

The panel should consider the complaint on the basis of the papers they receive and what is said at the meeting. The Clerk should take minutes that must remain confidential.

The committee may:

- uphold the complaint in full or in part, and make recommendations to the Board of Governors for action, and where appropriate recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again, or
- decide to recommend no action be taken and give reasons for the decision.

Within 5 school days of the meeting the Clerk should send a letter to the complainant, Headteacher and Chair of Governors outlining the outcome of the meeting. It is important that everyone understands that the panel is acting on behalf of the Board of Governors and no further appeal to the Board of Governors is available.

Stage 4 – formal complaint to LA

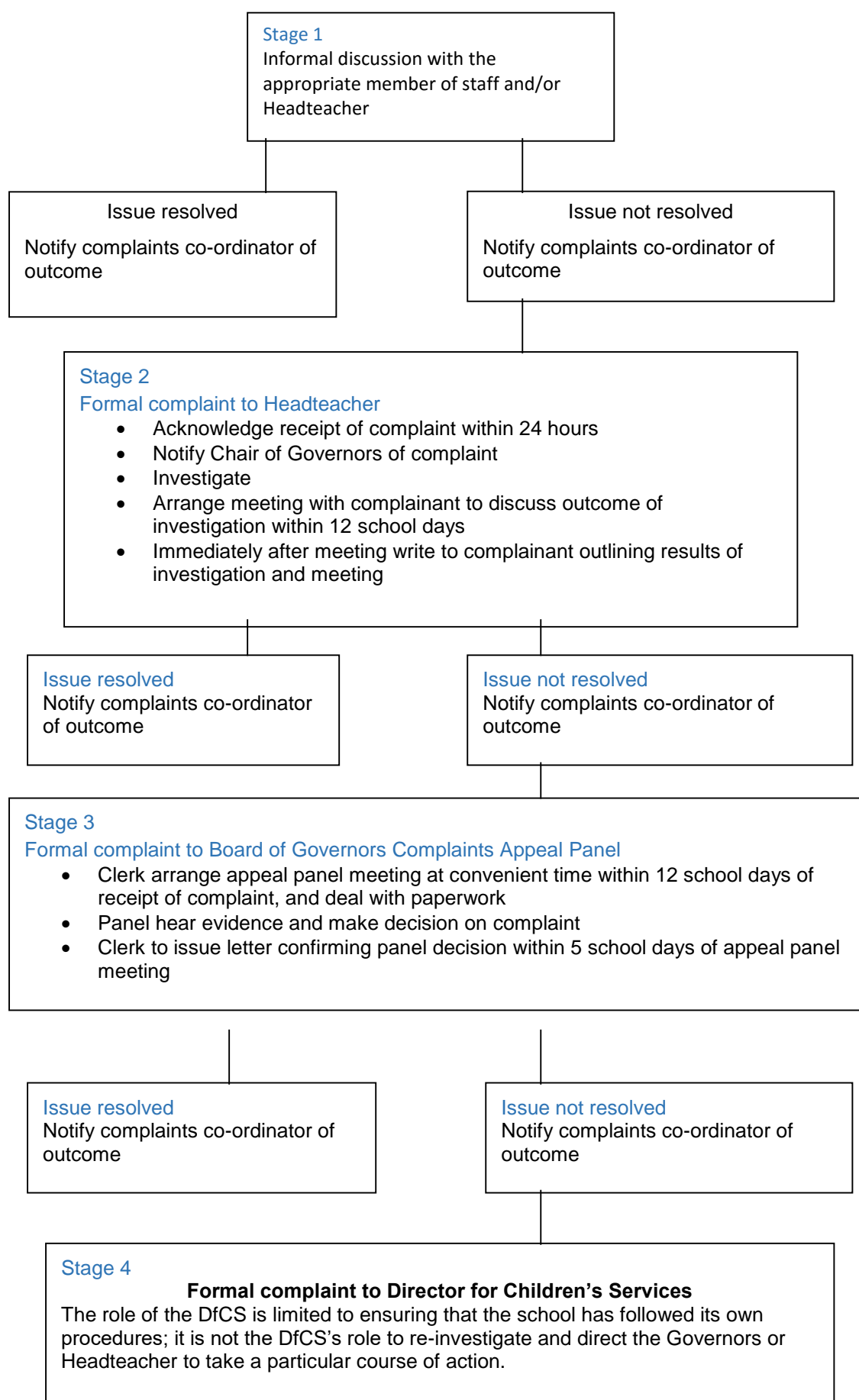
If the complainant is dissatisfied with the outcome of a Stage 3 appeal and wishes to pursue the matter further this should be done by following the City Council procedure for dealing with those complaints about schools that fall outside statutory requirements. Complaints relating to schools should be directed to the nominated officer for school complaints in writing, by fax, by e-mail, by telephone or in person.

It must be understood however that it is not the DfCS's role to re-investigate and direct the Governors or Headteacher to take a particular course of action, but to help find a solution to a complaint. The DfCS will listen to the complaint, ask questions and give advice on how to break the deadlock.

The Board of Governors is not obliged to accept the LAs advice about how a complaint might be resolved, provided the school has acted lawfully.

Complaints for which there are statutory or formalised procedures should be directed to the appropriate officer:

Procedure dealing with:	Further information available from:
Appeals with respect to admissions to schools	School Admissions Team Telephone: 01752 307166
Appeals with respect to exclusion of pupils from schools	Inclusions Officer Telephone: 01752 307471
Special Education Needs Statements	Special Education Needs Team Telephone: 01752 307409
National Curriculum and Religious Education	PASS Team Telephone: 01752 307485
Child Protection Issues	Senior Education Welfare Officer Telephone: 01752 307404/5
Child Protection Investigations against staff	SEO (Statutory Responsibility & Professional Practice) Telephone: 01752 307452
Complaints Department	Customer Relations Team Telephone: 01752 307304
Any other Services provided by Plymouth City Council	Switchboard Telephone: 01752 668000



Guidance notes for parents

*This leaflet can be provided in alternative formats – please ask the school administrator for details
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 want to tell us, our support for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem that happened some time ago.

What to do first

Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher, or another member of staff.

If you have a complaint that you feel should be looked at by the Headteacher you can contact him/her first. It is usually best to discuss the problem face to face. You may need to make an appointment to do this, and can make one by phoning or calling at the school office.

You can take a friend or relation to the appointment with you if you want to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the issue. It may also help to prevent a similar problem arising again.

What to do next

If you are dissatisfied with the member of staff's response you can make a complaint to the Headteacher. You should advise the Headteacher that you wish to make a formal complaint. This can be done verbally or by completing the attached complaint form. Please contact the school office if you need assistance with this.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors (**see 'If you are still unhappy' section below**).

You may also find it helpful at this stage to have a copy of the full statement of the School Complaints Procedure as this explains in detail what procedures are followed. This is available from the school office.

The Headteacher will ask to meet you for a discussion of the problem. Again you may take a friend or relation with you if you wish. The Headteacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

If you are still unhappy

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the Board of Governors to ask for referral of your complaint to the Board of Governors Complaints Appeal Panel. You can contact the Chair at the school address.

Your complaint will then be heard by a group of at least three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the panel at a meeting that the Headteacher will also attend. The School Complaints Procedure explains how these meetings operate.

Further action

Complaints about school problems are almost always settled within schools but, if you are dissatisfied with the school's internal procedure you can contact the nominated officer for school complaints or the Director for Children's Services at the Department for Children's Services (DfCS), Midland House, Notte Street, Plymouth PL1 2EJ. However please note that the role of the DfCS is limited to ensuring that the school has followed its own procedures; it is not the DfCS's role to re-investigate and/or direct the Governors or Headteacher to take a particular course of action.

Our leaflet ***Guidance notes for parents*** explains our complaints procedure. This form is designed to help you ask the Headteacher to arrange an investigation of your complaint or to ask the Chair of Governors to arrange further investigation if you are dissatisfied with the Headteacher's response to your complaint.

Data Protection Act – Personal information provided by complainants will be treated as confidential. It will be kept secure and not provided to anyone unless they are allowed to see it by law. Analysis will be restricted to types of complaints and individual complainants will not be identified. The analysis will be reported to the Board of Governors on an annual basis. The reporting will include identifying particular trends of complaints, which may require some change in the school's procedures.

Please complete this form and return it to The Headteacher (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

If you need assistance with completing this form please contact the school administrator.

MONTPELIER PRIMARY SCHOOL COMPLAINT FORM

Your name:

Pupil's name:

**Your relationship to the
pupil:**

Your address:

Your postcode:

**Your telephone number
(daytime):**

**Your telephone number
(evening):**

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:

Your signature:

Date:

OFFICIAL USE

Date acknowledgement sent:

By who:

Complaint referred to:

Date: