

## HESWALL PRIMARY SCHOOL

### School Complaints Procedures - General Information

The School Standards and Framework Act 1998 requires schools to establish a formal complaints procedure. The procedure must make provision for complaints from different categories of person i.e. governors, parents, guardians, pupils and the general public. This guidance document suggests a four-stage complaints procedure to manage complaints from parents, guardians and members of the general public starting with an informal stage for concerns and ending with an appeal to the governing body. **Stage 1** deals with concerns which have the potential to be managed by the majority of the staff during the course of their duties. Complaints dealt with at **Stage 2** should either be managed by the Headteacher or a senior member of staff. When a formal complaint arises and is not dealt with to the satisfaction of the complainant, it will first be addressed by the Headteacher at **Stage 3**, if they have not been involved at stage 2, then subsequently by the governing body at **Stage 4**.

**Section 29 of the Education Act 2002 requires governing bodies of all maintained schools and nursery schools in England to have in place by 1 September 2003 a procedure to deal with complaints. Governors may wish to refer to the Department for Education website for further information regarding "Complaints against Schools".**

In formalising their complaints procedure governing bodies need to be aware that they may need to have a response mechanism to urgent or serious complaints about the Headteacher or a senior staff member, a member or the Chair of the Governing body and have appropriate provision in place (see stage 4 Guidelines for a committee of governors dealing with complaints).

#### **Complaints not covered by the procedure**

Staff grievance and capability proceedings along with child protection investigations are outside the process.

#### **A suggested working definition of a complaint would be**

"A clear statement of dissatisfaction of a service provided or requested".

This would arise if a concern was not dealt with to the satisfaction of the complainant at stage one. It is vital that parents are aware of the procedure for raising concerns and all staff are primed to respond appropriately.

#### **General principles of the procedure**

Parents and guardians need to know how they can raise a concern or lodge a formal complaint. The school's complaints procedure should be easily accessible, easy to understand and well publicised.

A summary of how each school proposes to deal with complaints could be included in the school prospectus, the annual parents' report and on the school website. Schools could also prepare a leaflet explaining how concerns are dealt with and how the complaints procedures work.

Schools could also consider whether they need to make the procedures available in languages other than English, in audio format, braille or large print version. The school might need to consider in advance how it would locate qualified interpreters in various languages, including British Sign Language.

#### **Timescale**

The procedures should address the complaints as speedily as possible and be consistent with fairness to all concerned. Experience will probably demonstrate that at the first stage many

concerns can be dealt with and resolved immediately. Where a concern cannot be dealt with immediately, the employee dealing with the issue should note a response date for the complainant and should record it to ensure a reply is communicated. The response date could set a time limit e.g. the governing body may recommend a response time of no more than 15 school days. Likewise the governing body could establish that a formal complaint in writing requires a decision to be communicated in writing, within a maximum of 15 school days of receiving the complaint. If a decision cannot be communicated within the deadline, then a letter could be written to the complainant indicating a date by which a decision will be made.

### **Support for Complainant**

As part of the general publicity about complaints procedures, it is important for complainant also to know where they can go for information, advice and advocacy. Support could be offered from individuals and organisations who are clearly separate from those complained against, such as Parents' Partnership, Citizens Advice Bureaux, Community Relations Councils, refugee support organisations etc.

Parents or others raising concerns or complaints could be made aware that if they consider it appropriate they are welcome to be accompanied by a friend, a relative or a representative at any stage of the procedure.

### **Support for a person complained against**

Staff who may be questioned as part of a complaints procedure investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case. They should be told about the procedure and be kept informed of progress. There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure which puts the complaints procedure on hold. If so, the complainant should be informed of this and any non disciplinary aspects of the complaint should be dealt with by the usual complaints procedures; the complainant should be "up-dated" on likely further delays to a response. It may be clear after the disciplinary procedures have been completed that particular responses to the complainant are required.

### **Confidentiality**

It is very important to treat conversations and correspondence with discretion. It is vitally important that complainants feel confident that their complaint will not penalise their child. However, from the outset all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure.

Headteachers and members of the senior management team may feel it appropriate to be accompanied by another member of staff when dealing with some complaints. Complainants should be aware that a written record will be maintained of all meetings as part of the procedure.

### **Anonymous Complaints**

It is usually proper to disregard anonymous complaints unless somebody is prepared to substantiate them, but the danger in this is that they may relate to something quite serious. If the unforeseen eventuality occurs, to the detriment of the school, the complainant may subsequently make themselves known and say that s/he alerted the school even though the complaint was unsigned. It should be at the Headteacher or Governing Body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

### **Redress**

If the outcome of the complaint procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of: an apology, an explanation, a promise that the event complained of will not recur, an undertaking to review school policies or practices in the light of the complaint, or, in appropriate circumstances, financial compensation. Fear of litigation should not prevent a school from admitting when mistakes have been made, but advice should be sought from the Authority's Risk and Insurance Section if financial compensation is being sought or if litigation is a possibility.

### **Staff Awareness and Training**

School staff, including non-teaching staff, should be familiar with the procedures so that they can advise complainants about the process. There are often a great many staff involved in handling complaints. Their confidence in doing so depends on their having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in the practical interpersonal skills needed in dealing with people who are upset or angry.

**However should the complainant act aggressively or in an unreasonable manner, the complaints procedure should be delayed. All staff should be aware of the advice contained in the LA policy and guidance document Health & Safety Arrangements for Managing Violence and Aggression towards Staff**

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### **COMPLAINTS PROCEDURE**

#### **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.

#### **Procedures:**

- 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.
- 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.
- In smaller schools or on certain major issues, 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, giving them details of how to do so.
- The staff member dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear. However, 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 his/her 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 Head Teachers have responsibility for the day-to-day management of their schools, they also have responsibility for the implementation of the 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.

### **Procedures:**

- 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 impossible, a letter should be sent explaining the reason for the delay and giving a revised target date for a response.
- The Headteacher (or designate) provides 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.
- If necessary, the Headteacher (or designate) could 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.**
- It is strongly advised that the Headteacher (or designate) should keep a written record of interviews, telephone conversations, and other documentation.
- 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 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 they may then refer the matter to 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 referred to them at this stage and should 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 Head Teacher's investigation, clarify the action to be taken by the school and allay the complainant's worries in order 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**

#### **Procedures:**

- 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 of the procedure)

within an agreed period, within 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 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. All relevant correspondence regarding the complaint must be made available to the committee members at least 5 school days before the hearing.
- 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 and the complainant's right to submit further written evidence to the committee.
- 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 head Teacher'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.
- If either party should intend to introduce previously undisclosed evidence or witnesses, it is 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 and the Headteacher to explain the school's response;
  - the Headteacher to question the complainant about the complaint and 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;
- 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.
- 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. 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 (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 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.

## HESWALL PRIMARY SCHOOL

## COMPLAINTS REGISTER

<b>Name, Address &amp; Tel No of Complainant:</b>
<b>Date and Brief Description of the Complaint:</b>
<b>Time taken to resolve the matter:</b>
<b>Outcome of the Complaint:</b>



### **Independent Advice Contacts**

The names of these Associations can be passed onto Parents who may find them useful in helping them with issues relating to their child:

Wirral Parent Partnership is an impartial information, support and advice service for parents/carers of children with special educational needs and/or disabilities and also for professionals working to support those needs.

Through a variety of means Wirral Parent Partnership Service works closely with parents/carers, schools, the Local Authority, local support services and voluntary organisations to increase parental understanding of special educational needs to enable parents/carers to become more involved in their children's educational development.

### **WIRED (Parent Partnership) may be able to help a parent if:**

- You think your child needs extra help at school.
- Your child is at risk of exclusion due to his/her behaviour.
- She/he has a Statement of Educational Needs.
- You would like your child's needs to be formally assessed.
- You are attending a school meeting.
- You need help with understanding or completing paperwork

### **WIRED ADDRESS**

Wirral Parent Partnership  
Wirral Business Park  
Arrowe Brook Road  
Upton, Wirral,  
CH49 1SX  
Tel: 0151 670 1500  
Fax: 0151 670 1600  
Tel: 0151 670 1500  
Fax: 0151 670 1600  
Minicom: 0151 653 3230  
Email: ppadmin@wired.me.uk

### **Parents and carers can receive independent advice from**

National Confederation of Parent Teacher Associations  
39 Shipbourne Road  
Tonbridge

Kent TN10 3DS  
Tel: 01732 375 460

Fax: 01732 375 461

mailto:info@ncpta.org.uk

The National Confederation of Parent Teacher Associations is a charity which represents parents and teachers through Parent Teacher Associations

### **Advisory Centre for Education**

Advisory Centre for Education

The Busworks

United House

North Road

London, N7 9DP

Tel: General 0800 800 5793

Tel: Exclusion advice line 0800 800 0327

Tel: Exclusion information line 020 7704 9822 (24hr answer phone)

The National Confederation of Parent Teacher Associations and Advisory Centre for Education may offer advice but will not support individuals in pursuit of a complaint.

