

Gorse Hill Primary School Complaints' Policy



November 2016

THE STAGES OF THE COMPLAINT

STAGE 1 (INFORMAL): 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 will 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 or a Governor, the complaints co-ordinator can refer the complainant to the Chair of Governors (or Vice Chair if it involves the Chair). 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.

Governors should 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. Governors should seek advice from the Clerking Service.

STAGE 2 (FORMAL): 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 1 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.

STAGE 2 (FORMAL): COMPLAINT HEARD BY CHAIR OF GOVERNORS

If the complainant is about the Headteacher or a Governor, the complainant should write to the Chair of Governors to request that their complaint is considered further.

If the complaint is regarding the Headteacher or a Governor, it will be investigated by the Chair of Governors who may conduct the investigation him/herself, delegate it to another Governor or commission an independent investigation. The Chair should seek advice from the Clerk to Governors and if necessary, HR and Legal Advisors.

STAGE 3 (FINAL SCHOOL BASED STAGE): COMPLAINT HEARD BY COMPLAINTS APPEAL PANEL

If the complaint remains unresolved following the response of the Headteacher and Chair of Governors, the complainant usually needs to write to the Clerk to the Governing Body giving

details of the complaint and asking that it is put before the appeal panel. The Chair (or Clerk on behalf of the Chair) will convene a complaints appeal panel.

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to 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 Complaints Appeal Panel will be constituted by Governors subject to availability and impartiality. The Panel will have delegated powers to; hear complaints; set out its terms of reference and procedures; hear individual appeals; make 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 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 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 need to try and ensure that it is a cross-section of the categories of governor and be sensitive to the issues of race, gender and religious affiliation.

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 that 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.

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 governors sitting on the panel need to be aware of the complaints policy and their roles and responsibilities seeking advice where necessary from the Clerk.

THE ROLE OF THE CLERK

The department strongly recommends that any panel or group of governors 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 (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings by taking discursive minutes;
- notify all parties of the panel's decision.

The Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed or challenged.

THE ROLE OF THE CHAIR OF THE GOVERNING BODY OR THE NOMINATED GOVERNOR

- Check that the correct procedure has been followed;
- If a hearing is requested, 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, with the panel's response (including the reasons for the decision); this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

THE FINAL STAGE OF APPEAL IS TO THE SECRETARY OF STATE FOR EDUCATION.

Complainants should be advised to write to The School Complaints Unit (SCU) at: Department for Education 2nd Floor, Piccadilly Gate Manchester M1 2WD

What will the Department for Education do?

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation.

However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools. If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

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.

Stage 1 – Complaint heard by staff member

- Ensure complaints co-ordinator informed of outcome.

Stage 2 – Complaint heard by Headteacher

- Acknowledge receipt of complaint and process for Stage 2
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied and not resolved

Stage 2 - Complaint heard by Chair of Governors (*If Complaint is regarding the Headteacher or a Governor*)

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied and not resolved

Stage 3 – Governor’s complaints panel meeting arranged

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Secretary of State for Education. Complainants should be advised to write to The School Complaints Unit (SCU) at: Department for Education 2nd Floor, Piccadilly Gate Manchester M1 2WD.

COMPLAINT FORM

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

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

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:

Complaint referred to:

Date:

Discussed by Personnel Committee:
17/11/16

Ratified by Governors: March 2017

Signed on behalf of the Governing Body:

Date: _____

Review Annually: November 2017