



## GENERAL COMPLAINTS POLICY

### Introduction

Governing Bodies are legally required by the Education Act 2002 to have a policy which sets out procedures to deal with complaints. This policy is intended as a good practice guide applying to concerns and complaints of a general nature. It is not intended to cover those aspects of School life for which there are specific statutory requirements.

### Dealing with Complaints – Initial concerns

Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. At Wentworth C of E we make every effort to reach a satisfactory outcome using informal methods. This will save a lot of time and anxiety for staff. The best way to reach a successful outcome is to:

- ✓ Show sensitivity and understanding;
- ✓ Use listening skills;
- ✓ Be proactive;
- ✓ Keep parents informed;
- ✓ Have an 'open door' policy;
- ✓ Have clear procedures that are well known;
- ✓ Have an acceptance that things can go wrong.

Our School Aims lead us to attempt to deal with concerns by establishing relationships which are characterised by:-

- ✓ Co-operation;
- ✓ Empathy;
- ✓ Control;
- ✓ Understanding;
- ✓ Negotiation

However, we recognise that:

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- ✓ Emotions can run high;
- ✓ Parents can mistakenly think they can dictate the management of the School;
- ✓ Gossip and rumour can undermine the reputation of our School.

All the above must be considered when dealing with concerns and complaints.

### **Dealing with Complaints – Formal procedures**

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Schools might wish to nominate a member of staff to have responsibility for the operation and management of the School complaints procedure; at Wentworth it is the responsibility of the Headteacher.

### **Framework of Principles**

Parents and pupils should be encouraged to express their views on what goes on within School so that it receives an early warning of potential difficulties. Certain general underlying principles should be observed whenever concerns or complaints are raised:

### **Publicity**

A summary of how the School deals with complaints is included in the information given to new parents when their children join the School. There is a legal requirement for the Complaints Policy to be publicised. It is up to the Governing Body to decide how to fulfil this requirement but details of the Complaints Policy could be included in:

- ✓ the School prospectus;
- ✓ any report/communication from the governors to parents;
- ✓ the information given to new parents when their children join the School;
- ✓ the information given to the children themselves;
- ✓ the home-School agreement;
- ✓ home School bulletins or newsletters;
- ✓ a specific complaints leaflet which includes a form on which a complaint can be made;
- ✓ posters displayed in areas of the School that will be used by the public, such as reception or the main entrance;
- ✓ the School website

### **Procedures should be as speedy as possible**

Procedures should always be consistent and ensure that everyone involved is dealt with fairly. Each stage of the procedure should have a known time limit. Where it is not possible to meet this, information about progress must be given to the complainant. Care should be taken not to drag things out unnecessarily.

### **Support for complainant**

As part of the general publicity about the complaints procedure, it is helpful for parents to know where they can go for information, advice and advocacy, if they require it. Ideally, support should be offered from individuals and organisations that are separate from those complained against. Parents raising concerns or complaints should be invited to be accompanied by a friend 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.

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 that puts the complaints procedure on hold.

### **Confidentiality**

It is very important to treat conversations and correspondence with discretion. It is vital for parents to 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. It should be at the Headteacher's 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 about will not recur or an undertaking to review School policies or practices in the light of the complaint. Advice should be taken from the Local authority if litigation could be possible.

### **Staff Awareness and Training**

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School staff should be familiar with the procedures so that they can advise parents about their operation.

### **Record Keeping**

If complaints are to contribute to raising the quality of education, then they need to be monitored termly by senior staff and governors. Recording should begin at the point when a concern or initial complaint has become the kind of complaint that cannot be resolved on the spot but needs investigation and/or consultation with others in School and will require a later response to the parent. Recording at the earliest stages need only be a very basic record of the complaint giving the date, name of parent and general nature of complaint. A pro forma could be used.

### **Role of the Governing Body**

- ✓ responsibility to ensure that the School complies with this policy;
- ✓ delegated powers and responsibilities to the Headteacher to ensure complaints are dealt with in line with this policy;
- ✓ nominated a link governor to visit the School regularly, to liaise with the Headteacher and to report back to the Governing Body;
- ✓ responsibility for the effective implementation, monitoring and evaluation of this policy

### **Role of the Headteacher:**

- ✓ nominate a member of staff to be responsible for the organisation and development of this policy;
- ✓ monitor the effectiveness of this policy

### **The stages of complaints**

An efficient School complaints procedure will have well-defined stages. At each stage it would be helpful to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher after a meeting with the complainant.

### **Investigating complaints**

It is suggested that at each stage, the person investigating the complaint makes sure that they:

- ✓ establish what has happened so far, and who has been involved;

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- ✓ 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.

### Resolving Complaints

At each stage in the procedure School's will want to keep in mind ways in which a complaint can be resolved. 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.

### Informal Approach - Stage 1

Parents have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the parent the nature of the concern, and reassures them that the School wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.

- If the member of staff first contacted cannot immediately deal with the matter a clear note is made of the complainant's name, address/phone number together with the date.
- Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure that the referral has been successful.
- If the concern relates to the Head of the School, the parent is advised to contact the Chair of the Governing Body.

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- The staff member dealing with the concern makes sure that the parent 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.
- Where no satisfactory solution has been found within 10 days, parents are asked if they wish their concern to be considered further. If so they are given clear information about how to proceed and about any independent advice that may be available to them.

### Formal Approach- Stage 2

- The Headteacher acknowledges the complaint either orally or in writing within 3-5 working days of receiving the written complaint. The acknowledgement gives a brief explanation of the School's complaints procedure and a target date for providing a response to the complaint. This should normally be written within 10 working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.
- The Headteacher provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is made clear to the complainant that if s/he wishes s/he may be accompanied to any meeting by a friend who can speak on his or her behalf.
- If necessary, the Headteacher should interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils can if it the wish of the parent, be interviewed with them present. In some situations circumstances may prevent this. If so, another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind.
- The Headteacher keeps written records of meetings, telephone conversations, and other documentation.
- Once all the relevant facts have been established, the Headteacher should then produce a written response to the complainant, or any wish to meet the complainant to discuss/resolve the matter directly.
- A written response includes a full explanation of the decision and the reasons for it. Where appropriate this includes what action the School will take to resolve the complaint. The complainant is advised that should s/he wish to

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take the complaint further s/he should notify the Chair of the Governing Body within five weeks of receiving the outcome letter.

- If a complaint is against the action of a Headteacher, or if the Headteacher has been very closely involved at Stage 1, the Chair of the Governing Body should carry out all the Stage 2 procedures.

### **Review by the Governing Body – Stage 3**

Complaints only rarely reach this formal level, but it is important that the Governing Body is prepared to deal with them when necessary. At this stage, the School should seek advice from any relevant authority e.g. Local Authority.

- It is important that this review is not only independent and impartial but that it is seen as being so. If an individual governor is approached with a complaint the complainant should be referred directly to the Headteacher. The Governor should not normally become involved in the complaints procedure. If an individual Governor decides to take up a complaint on behalf of an individual or a group, s/he should not take any part in the formal hearing of the complaint.
- Complaints should not be raised at full meetings of the Governing Body and should not be reported to the Governing Body until resolved by the appropriate panel and then not in detail.
- Parents inevitably see many complaints as being 'against' a particular member of staff. However, complaints reaching this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure. It may be appropriate for the governing body to consider that the complaint is against the School rather than against the member of staff whose actions led to the original complaint.

### **Procedure for review by the governing body**

Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed.

- ✓ The clerk to the Governing Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by a panel of three members of the School's Governing Body within 20 working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the panel members.

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- ✓ The clerk should arrange to convene a Complaints Panel elected from members of the Governing Body. It may be necessary for the Governing Body to appoint reserves to this Panel to ensure that three Governors are available to carry out their task within the set time.
- ✓ The Panel members should be Governors who have had no prior involvement with the complaint. Governors will want to be sensitive to issues of race, gender and religious affiliation. A Chair should be elected.
- ✓ The Chair of the Panel will ensure that the complaint is heard by the Panel within 20 working days of receiving the letter. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to Panel members.
- ✓ The Chair of the Panel should invite the Headteacher to attend the Panel meeting and to prepare a written report for the Panel in response to the complainant. 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 report should be received by all concerned - including the complainant - at least 5 working days prior to the meeting.
- ✓ The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.
- ✓ It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.
- ✓ The aim of the meeting should be to resolve the complaint and achieve reconciliation between the School and the complainant. However, it has to be recognised that sometimes it may only be possible to establish the facts and make recommendations that will satisfy the complainant that his/her complaint has at least been taken seriously.
- ✓ The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.
- ✓ If either party wishes 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:

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- ✓ the complainant to explain their complaint and the Head Of School to explain the School's response;
- ✓ the Headteacher to question the complainant about the complaint
- ✓ the complainant to question the Headteacher and/or other members of staff about the School's response;
- ✓ Panel members to have an opportunity to question both the complainant and the Headteacher;
- ✓ either party to have the right to call witnesses (subject to the approval of the Chair of the Panel) and to have the right to question witnesses;
- ✓ final statements by both the complainant and the Headteacher.
- ✓ The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider the evidence presented, and a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.
- ✓ The Panel will then consider the complaint and all the evidence presented and:
- ✓ reach a unanimous, or at least a majority, decision on the complaint;
- ✓ decide upon the appropriate action to be taken to resolve the complaint and, where appropriate;
- ✓ recommend 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 Panel must be sent to the complainant and Headteacher. The letter to the complainant should explain how a further appeal can be made, and if so, to whom.
- ✓ The School should ensure that a copy of all correspondence and notes are kept on file in the School's records. These records should be kept separately from the pupil's personal records.

### **Beyond the Governing Body – Stage 4**

- ✓ Complaints can be taken to the Secretary of State for Education and Employment under section 496 of the Education Act 1996 on the grounds that a Governing Body or Local Authority is acting or proposing to act unreasonably, or under section 497 of the same Act, on grounds that either the Governing Body or the Local Authority has failed to discharge its duties

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under the Act. The Secretary of State may contact the Governing Body or the Local Authority for more information in order to consider the complaint. These powers relate to both community schools and Academies.

- ✓ Complaints procedure could be made to the Ombudsman. However the Ombudsman does not look at internal School management matters and usually expects that thorough attention has been given to a complaint locally before investigation.

### **Monitoring the Effectiveness of the Policy**

Annually the effectiveness of this policy will be reviewed, or when the need arises, and the necessary recommendations for improvement will be made to the governors.

### **Effective Date**

This policy became effective in summer 2014, will reviewed in summer 2016.