

# ILCHESTER COMMUNITY PRIMARY SCHOOL



## Concerns and Complaints Policy

Reviewed November 2012		N J Heath	Headteacher
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Review November 2015

## **Concerns**

It is important to be clear about the difference between a concern and a complaint. Informal concerns, taken seriously at the earliest stage, will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns will be handled, if at all possible, without the need for formal procedures. In most cases classroom teachers will receive the first approach and it would therefore be beneficial if staff were able to resolve issues on the spot, including apologising where necessary, so that concerns do not develop into formal complaints. In other cases, where the complaint is about the School but not from a parent/carer, it will be the Headteacher that will receive an approach; again it is beneficial if they can resolve the issue.

Formal procedures should only 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.

## **Complaints Procedure**

### **The Three Stages**

#### **Stage One: Complaint heard by the Headteacher or 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.

The ability to consider the complaint objectively and impartially is crucial. The School will respect the view of a Complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Headteacher can refer the Complainant to another staff member, or will hear the complaint themselves. Where the complaint concerns the Headteacher, the Complainant will be referred to the Chair of Governors.

Where the first approach is made to a Governor, the next step would be to refer the Complainant to the appropriate person and to advise the Complainant about the procedure for making a complaint. Governors will not act unilaterally on an individual complaint outside the formal procedure or be involved in the early stages in case they are needed to sit on a panel at a later stage of the procedure.

The Complainant may be dissatisfied with the way the complaint is handled at stage one and may wish to pursue their initial complaint.

## **Stage Two: Complaint heard by the Headteacher or Chair of Governors**

The Headteacher's influence will already have shaped the way complaints are handled in the school. If the Complainant was dissatisfied with the way the complaint was handled at stage one by a member of staff the Headteacher will hear, and investigate, the complaint and make decisions on any action to be taken.

If the Headteacher has heard the complaint, at stage one, then the Chair of Governors will hear the complaint. The Complainant will write to the Chair of Governors giving details of the complaint. This will be investigated and the Chair will write to the Complainant.

Should the Complainant still not be satisfied he/she may ask for the matter to be referred to stage three.

It is to be noted that at this stage if the Headteacher has heard and investigated the complaint, and the Complainant remains dissatisfied, prior to the matter being escalated to the Governing Body's Complaints Panel the Chair of Governors could informally investigate the complaint. This would not prejudice the rights of the Complainant in taking the matter to a review hearing, but may resolve the issue to the satisfaction of the Complainant.

At this point the Chair of Governors retains the right to refuse escalation of a complaint if it falls outside the remit of the complaints panel, for example if there are no realistic outcomes that would satisfy the Complainant. The Complainant in these circumstances still retains the right to write to the Secretary of State.

## **Stage Three: Complaint heard by the Complaints Panel**

Complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any Governor that might need to be on a panel associated with a complaint.

A panel of three Governors, with delegated powers to do so, will hear the complaint. The terms of reference for the panel are to:

- Draw up its procedures.
- Hear individual complaints.
- Make one or more of the recommendations below as a result of complaints.

Remit of the Complaints Panel – the complaints panel can:

- Dismiss the complaint in whole or in part.

- Uphold the complaint in whole or part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the School's systems, procedures, or policies to ensure that problems of a similar nature do not recur.

Panel members – points to remember – There are several points which any Governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and **that it is seen to be so. No Governor will 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 ensure that it is a cross-section of the categories of Governors and sensitive to the issues of race, gender and religious affiliation.
- The aim of the Hearing, which will 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 well 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 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.
- Extra care will need 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.
- The Governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities –

The role of the Clerk – The Clerk will be the contact point for the Complainant and is 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.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings and notify all parties of the panel's decision.

The role of the Chair of the Complaints Panel – is to ensure that:

- There is a check that the correct procedure has and is being followed.
- If a hearing is appropriate, that the Clerk is notified to arrange the panel.
- 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.
- The Chair of the Panel will ensure that the Complainant is notified of the Panel's decision, in writing, with the Panel's response; this will usually take place within five working days.

Checklist for the Panel Hearing –

- The Hearing is informal as possible.

- Witnesses are only required to attend for the part of the Hearing in which they give their evidence.
- If the Hearing is to meet with the parties individually –
  - The Panel will meet with the Complainant and any witnesses, they will then leave.
  - The Panel will then meet with Headteacher and any witnesses to hear the School's response to the complaint.
  - After each meeting the Chair will explain the time scales as to when all parties will hear from the panel.
  - The Panel decides on the issues.
- If the Hearing is to meet with all parties concerned at the same time –
  - 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.
  - The Chair of the Panel will explain the time scales as to when all parties will receive notification of their decision.
  - All parties leave together while the panel decided on the issues.

## **Finally**

If the Complainant is still dissatisfied with the outcome of the complaints procedure they have the right to contact the Secretary of State.

**Annex B**

**School Complaints Procedure Complaint Form**

**Your Name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Daytime 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:**

**School use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**