

## **LINCOLN GARDENS PRIMARY SCHOOL COMPLAINTS PROCEDURE**

Under the Education Act 2002 schools are required to have an approved procedure for dealing with complaints relating to the school and to any community facilities or services the school provides.

In this school all staff are dedicated to giving all pupils the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents/carers and believe that the school and parents/carers must work together in partnership to help pupils gain the most from their time in school.

Communication, written or spoken, is valued as part of the partnership between home and school. Co-operation between parents/carers, staff and governors leads to a shared sense of purpose and a good atmosphere in the school.

The school aims to provide as many opportunities to keep parents/carers informed and involved in pupil progress as it possibly can. However we recognise there will be times when parents/carers feel the school is not acting in the best interest of their child.

This procedure explains the process for parents/carers to follow if they have a concern or a complaint with the school. Appendix A of the complaints policy provides details on '**How to raise concerns or make a complaint about the school'**

In order to investigate your complaint as fully as possible the governing body has a staged process. Most issues are sorted out informally and we would recommend that you try this approach first. However, if you feel that there is nothing to be gained and you wish to make a formal complaint you have the right to go straight to stage 1 of the complaints procedure.

### **Resolving concerns informally**

- 1.1. Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure 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 at this point to identify what sort of outcome the parent is looking for.
- 1.2. If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name and contact address or phone number.
- 1.3. All members 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 the referral has been dealt with.
- 1.4. If the matter is brought to the attention of the head teacher s/he may decide to deal with the complaint. If the complaint is against the head teacher the parent will be advised to contact the chair of the governing body. This should be in writing and addressed to Mr M Beardsall, Chair of Governors c/o Lincoln Gardens Primary School.
- 1.5. The member of staff dealing with the concern will make sure the parent is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.
- 1.6. Where no satisfactory solution has been found, and the complainant continues to have concerns, they may wish to consider a formal complaint in writing to the head teacher.

## **Complaints Procedure Stage 1: investigation by the Head Teacher**

- 2.1 Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can expect help to put their complaint in writing.
- 2.2 The head teacher (or designated person) will acknowledge the complaint in writing within *three working days* of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure *and a target date for providing a response to the complaint*. This should normally be within *ten working days*. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. *This should be within a maximum of 20 working days unless it is a particularly complex issue.*
- 2.3 The head teacher will provide an opportunity for the complainant to meet the head teacher/member of staff to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.
- 2.4 If necessary the head teacher will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed unless this is judged not to be in the interests of the pupil's welfare. Pupils should normally be interviewed with parents/guardians present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case and the complaint may also be investigated as appropriate under the school's disciplinary procedure.
- 2.5 The head teacher will keep written records of meetings, telephone conversations and other documentation.
- 2.6 Once all the relevant facts have been established as far as possible, the head teacher will then produce a written response to the complainant, including an explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the chair of governors *within 20 working days of receiving the letter.*
- 2.7 If the complaint is against the head teacher, or if the head teacher has been closely involved in the issue, the chair of the governing body will carry out all the Stage 1 procedures.

## **Stage 2: Review by the Governing Body**

- 3.1 If the outcome is unsatisfactory the complainant will be advised to complete the standard complaints form (Appendix B) and send it to the chair of the governing body (c/o the school). The chair of the governing body will then write to the complainant to acknowledge receipt of the written request for the chair of governors to review the complaint.

- 3.2 The chair of the governing body may be able to resolve the problem informally, undertaking an independent investigation and meeting with each party involved in the complaint.
- 3.3 The chair of the governing body may feel it would be appropriate that an independent person is enlisted to investigate the complaint.
- 3.4 In the event the complainant is still dissatisfied with the outcome the complainant the chair of the governing body will write to the complainant to acknowledge receipt of the written request for the governing body to review the complaint.
- 3.5 The acknowledgement will explain that the complainant has the right to submit any further documents relevant to the complaint. These documents must be received in time to be sent to the panel members and the head teacher. A meeting of the complaints committee will be convened which will consist of 3 or 5 members of the governing body. No governors with prior involvement in the issues complained about will be included on the panel. The head teacher will not sit on the panel.
- 3.6 The chair of the panel will ensure the panel hears the complaint within *20 working days of receiving the letter*.
- 3.7 The clerk will write and inform the complainant, head teacher, any relevant witnesses and members of the panel at least *seven* working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.
- 3.8 The head teacher will be invited to attend the panel meeting. All attendees, including the complainant, should receive a set of the relevant documents, including the head teacher's report and the agenda, at least five working days prior to the meeting.
- 3.9 Submission of additional documents or requests for additional attendees will be at the discretion of the chair of the panel.
- 3.10 At the panel hearing:
  - The complainant will have the opportunity to present their complaint.
  - The head teacher will explain the school's position.
  - Those present will have the opportunity to ask questions.
  - Panel members will have the opportunity to ask questions of the complainant and the head teacher.
  - The head teacher will be given the opportunity to make a final statement to the panel.
  - The complainant will be given the opportunity to make a final statement to the panel.
  - The chair will ask the complainant if he or she feels they have had a fair hearing.

The chair of the panel has responsibility to ensure that the meeting is properly minuted.

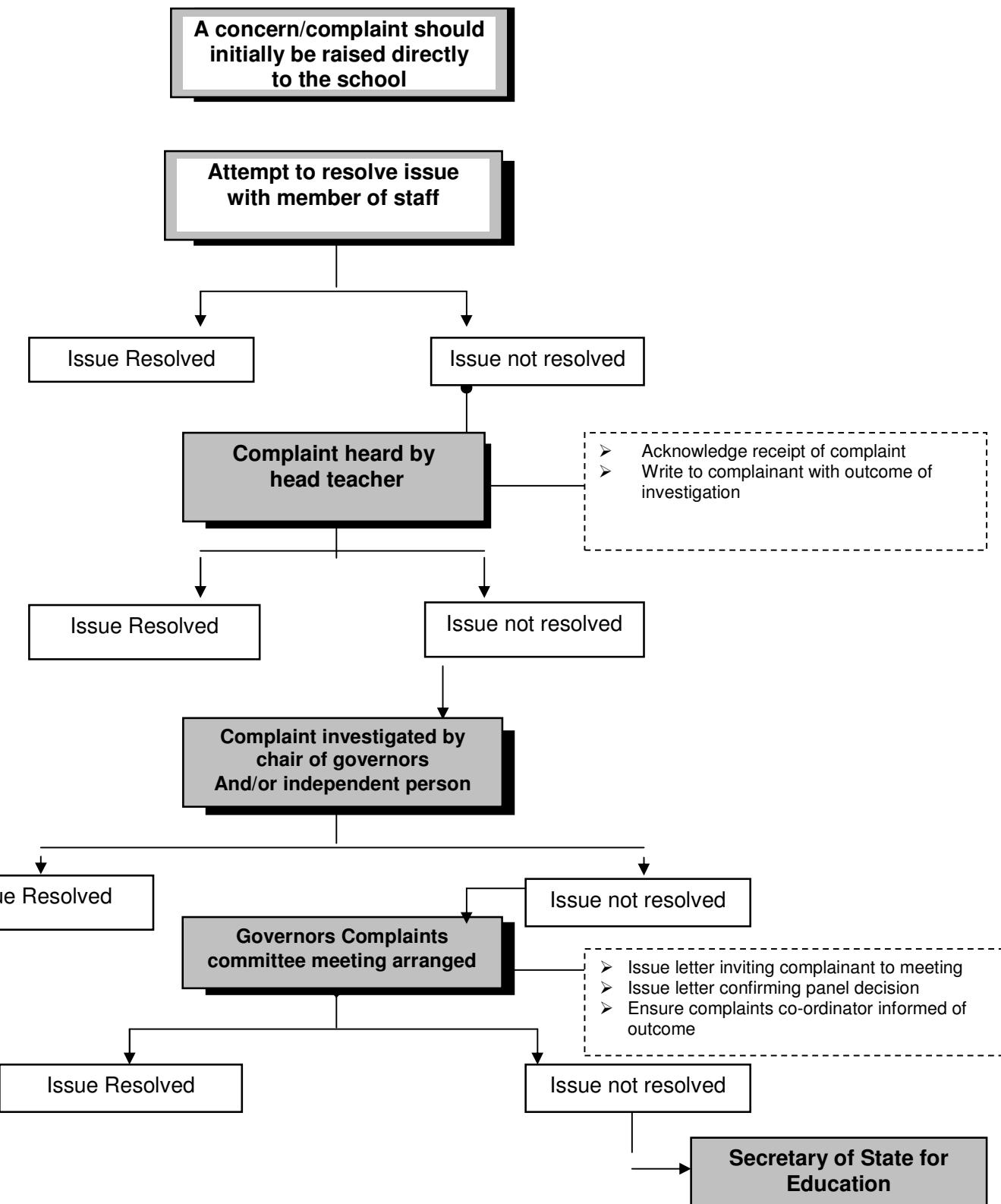
Any witnesses will be called into the meeting at the appropriate time and then requested to leave after they have provided their witness statement.

- 3.11 The chair of the panel will explain to the complainant and head teacher that the panel will consider its decision and that a written decision will be sent to both parties within *five working days*. The complainant and head teacher will then leave the meeting.
- 3.12 The panel will then consider the complaint and all the evidence presented and:-
  - agree a decision on the complaint;
  - decide upon the appropriate action to be taken to resolve the complaint
  - where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- 3.13 A written statement clearly setting out the decision of the panel must be sent to the complainant and head teacher. The letter to the complainant should also advise how to take the complaint further in the event they should wish to do so.
- 3.14 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.

### **Stage 3 The Secretary of State**

- 4 If a complainant wishes to go beyond the governors' complaints panel, they should be advised to contact the Secretary of State for Education. More information is available at [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints), for both maintained schools and academies.

## Flowchart of Complaints





## **Appendix A**

### **How to Raise Concerns or to Make a Complaint about the School**

#### **If you have a Concern or Complaint**

We would like you to tell us about it. Be assured that no matter what the problem is, our support and respect for you and your child in 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. Any teacher or member of the administrative staff can put you in contact with the right member of staff.

If you have a complaint that you feel should be looked at by the head teacher in the first instance you can contact her straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling into the school office. You can take a friend or relation to the appointment with you if you would like 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 question. It may also help to prevent a similar problem arising again.

#### **What to do next**

If you are dissatisfied with the initial response, or if you do not want to discuss the matter informally, you can make a complaint. This will need to be in writing. Contact the school office if you would like some help putting your complaint in writing.

You may find it helpful at this stage to have a copy of the full statement or the school's complaints procedure as this explains in details what processes are followed. *This is available from the school office.*

If your complaint is about an action of the head teacher personally, then you should refer it to the chair of governors. Contact details can be obtained from the school office.

The head teacher will ask to meet you to discuss the problem. You may bring a friend or someone else for support. The head teacher will arrange 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**

Most complaints are resolved at this stage. However, if you are still not satisfied you may wish to contact the chair of the governing body to ask for an investigation by the chair of governors or a referral of your complaint to a governors' complaints committee. It will then be heard by a group of three or five governors who have no previous knowledge of the problem and so will be given a fresh assessment. You will be invited to attend and speak to the panel at a meeting that the head teacher will also attend. The complaints procedure sets out in more detail how these meetings operate.

## **Further Action**

Complaints about school problems are almost always settled within schools but if they remain unresolved they can be referred to the Secretary of State for Education. The Department for Education will expect the complaint to have been considered by the school governors first. Complaints about academies are handled by the Education Funding Agency (EFA) on behalf of the Secretary of State for Education. There is more detail in the full complaints procedure, on the school's website or on the Department for Education website ([www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints)).

## **Appendix B - Complaint Form**

**Please complete and return to the school office, marked ‘CONFIDENTIAL’ for the attention of the Head Teacher/Chair of Governors**

<b>Your name:</b>
<b>Pupil's name:</b>
<b>Your relationship to the pupil:</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Daytime telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint.</b>
<b>What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)</b>

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## **Appendix C**

### **Practical Guidance for Staff and Governors on Complaints Handling**

#### **Introduction**

This guidance is provided for members of staff and governors who deal with complaints. The advice provides details of key issues that need to be considered before, during and after a complaint has been made

#### **1. Publicity**

Parents and pupils should always know how they can raise concerns or lodge a formal complaint. Complaints procedures should be easily accessible and well publicised.

A summary of how the school deals with complaints should be included in the information that is given to new parents when their children join the school.

*Schools should consider whether they need to make the procedures available in languages other than English and whether audio-cassette, Braille or large-print versions are necessary.*

At regular intervals parents should be reminded of the system; for example in school newsletters.

#### **2. Procedures Should be Consistent and Fair to all Concerned**

Each stage of the procedure should be undertaken within a reasonable time scale; some governing bodies may wish to set appropriate time limits for some of the stages. Where it is not possible to meet any set time limits, the complainant should be kept informed of progress.

#### **3. Support for Complainant**

It is important that parents know that at any stage of the procedure they can be accompanied by a friend, relative or representative and to know where they can go for information, advice and advocacy, if required.

#### **4. Support for Staff**

Staff complained about must be treated fairly. They should have the opportunity to put their case and receive appropriate support; a colleague may accompany them at any stage but it would not be appropriate to involve someone from outside the school from whom confidential pupil information should be withheld. There is a crucial balance to be maintained between supporting the individual so that his/her rights are maintained and reputation protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this will need to be made clear to all concerned. However there may be occasions where a complaint leads to a

disciplinary procedure, which puts the complaints process on hold. If so, the complainant should be informed of this, without going into details, and updated regularly on likely further delay. After the disciplinary process is completed it will be necessary to decide what further response to the complainant is required.

If a complainant asks to be informed of the outcome of any disciplinary investigation they can be told, in general terms, that disciplinary action may be taken as a result of the complaint.

## **5. Confidentiality**

It is very important to treat all concerns and complaints with discretion. It is vital that parents feel confident that their complaint will not penalise their child. However, a complainant will need to be aware that some information will have to be shared with those involved in order that the complaint can be investigated.

## **6. Anonymous Complaints**

Anonymous complaints should not be automatically disregarded. They may relate to a serious issue, which may subsequently resurface. It should be at the head teacher's or governing body's discretion as to whether the gravity of an anonymous complaint warrants an investigation. A copy of every anonymous complaint and note of the decision should be retained on file.

## **7. Remedy**

If the outcome of the complaints procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is upheld together with an appropriate apology. It may be appropriate to offer one or more of: 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. Where legal action is being considered by the complainant schools may wish to seek their own legal advice.

## **8. Staff Awareness and Training**

All staff should be aware of the procedures, as potentially many could be involved with handling complaints, especially at the informal level. To be confident in doing so depends on them having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in dealing with people who are upset or angry (see Appendix C). All staff should also have clear information about individual staff roles and responsibilities so that parents do not get continually passed from one to another.

## **9. Record Keeping**

Complaints should be recorded, in writing, and monitored regularly by staff and governors. It is recommended that recording should begin at the point when an initial concern or complaint cannot be resolved immediately but needs some investigation and/or consultation with others in school and a subsequent report back to the parent.

Recording at the earliest stage need only be a very basic record of the complaint, giving the date, name of parent and general nature of the complaint. A pro-forma or a “comments and complaints” book could be used. Whatever system is used, it should be consistent and understood by the staff and records retained with due regard for confidentiality.

## **A Staged Approach**

There should be two stages to the complaints procedure. While it is good practice to encourage an open culture where parents feel able to raise concerns informally with a teacher, you should not introduce this as a third stage into the process.

### **The First Contact**

There needs to be clarity as to the difference between a concern and a complaint. Taking informal concerns seriously at an early stage and addressing them promptly will reduce the number that develop into formal complaints. There are many occasions where concerns are resolved straight away through the class teacher, head teacher or administrative staff, depending on who is approached first. Parents must feel able to raise concerns with members of staff without formality, either in person, over the telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent and this must be taken into consideration.

It may be unclear at first whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further. Ultimately, parents have a statutory right to complain and if they wish an issue to be handled as a complaint then this is the approach that has to be taken. Staff views as to the seriousness of the issue should not be a deciding factor. Where there is uncertainty, the parent should be asked if they want the issue treated as a formal complaint.

### **Stage 1: Referral to the Head Teacher**

Once it is clear that the concern is a definite complaint it should be investigated according to school guidelines (see complaints procedure) to ensure consistency and to make sure that nothing happens which could make it difficult for later stages to proceed smoothly.

In some cases the head teacher may already have been involved in looking at the matter; in other cases it may be his/her first involvement and in a large school it may be appropriate to delegate the investigation at this stage to another member of staff. What is important is that a staged procedure exists which reassures complainants that their complaint will be heard by more than one person, and that head teachers ensure that their involvement will not predominate at every stage.

It should be noted that in some cases head teachers will have been involved in the matter informally or the complaint may be against them, in which cases

Stage 1 should be carried out by the chair of governors. In other cases the head teacher is advised to become involved in complaints at Stage 1.

### **Stage 2: Review by the Governing Body**

Most complaints are resolved at the first stage but it is important that there is a robust mechanism at the second stage and that governing bodies are well prepared to deal with them. At this stage staff/governors may wish to seek advice from the local authority or diocese as appropriate.

The complaint should be referred to the chair of the governing body and the problem may be resolved informally (see procedure). It is important that the investigation is not only independent and impartial but that it is seen to be so. It may be deemed appropriate to involve an independent person at this stage. In the event the complainant remains unsatisfied the chair must then refer the complaint to a meeting of the complaints committee. Complaints should always be considered by a panel, not by the full governing body. Some governors may have previous knowledge of the problem, which led to the complaint and would be unable to give fair, unbiased consideration to the issue. If a complaint resulted in disciplinary action against a member of staff it would be necessary for there to be sufficient governors with no prior involvement to serve at an initial hearing (personnel/staff dismissal committee).

The panel hearing should not be adversarial but should aim to provide a non-threatening environment in which resolution can be reached. In deciding the agenda, who should attend, the number of attendees, and in taking questions from attendees, the chair of the panel should carefully take into consideration the need to avoid any attendee feeling intimidated by the proceedings.

It is recommended that the panel appoint a clerk to minute the meeting. The clerk would be the contact point for the complainant and be required to:

- Inform all parties of the hearing, following an agreed date and time from the school/chair of the panel.
- 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
- Advise on procedural matters at the hearing
- Record the proceedings
- Notify all parties of the panel's decision

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations that will satisfy the complainant that their complaint has at least been taken seriously. If the complainant asks what sanctions have been taken against any other pupil/s involved in the complaint they must be informed that this information is confidential and cannot be shared with the complainant.

### **What if the Complaint is about a Governor?**

The chair of governors can still address the complaint. If the complaint is about the chair of governors it should be referred to a member of the governing body.

### **Stage 3: Review by the Secretary of State for Education**

From **1 August 2012** parents of pupils in maintained schools can complain to the Secretary of State for Education if they have exhausted the school's own procedure and feel that their complaint remains unresolved.