

Martley CE Primary School



Formal Complaints Policy



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1. Introduction

The Raising Concerns policy is the first step before this formal complaints policy is to be put into place.

The Guide provides practical assistance to those staff/Governors who are investigating or hearing a complaint.

2. Dealing with Complaints

2.1 Initial concerns/informal resolution

Firstly, 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 ought to be handled, if at all possible, without the need for formal procedures. In most cases classroom teachers will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including, apologising where appropriate and/or necessary.

2.2 Formal Procedures

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.

2.3 Framework of Principles

The Complaints Procedure will :-

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible and publicised
- Be simple to understand and use
- Be impartial
- Be non-adversarial (where possible)
- Allow swift handling within established time limits for action and keeping people informed of the progress
- Ensure a full and fair investigation by an independent person where necessary;
- Respect people's desire for confidentiality



- Address all the points at issue and provide an effective response and appropriate redress, where necessary;
- Provide information to school's senior management team and governors so that services can be reviewed, revised where necessary and improved.

2.4 Investigating Complaints

At each stage, the person investigating the complaint will ensure that they:-

- Establish what has happened so far and who has been involved
- Clarify what the nature of the complaint is and what remains unresolved;
- Meet with the complainant or contact them (if unsure or where further information is required);
- Clarify what the complainant feels would put things right;
- Consider interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Keep notes of any interviews.

2.5 Resolving Complaints

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

In cases that establish the school had not acted appropriately 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

Complainants will be encouraged to state what actions they feel might resolve the problem

NB An admission that the school could have handled the situation better is not the same as an admission of negligence.



In the event the complaint is not upheld, either wholly or partially, the complainant must be given the reasons for that decision.

Whatever the outcome of the investigations, you should try to identify areas of agreement between parties. You will also attempt to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

2.6 Frivolous/ Vexatious Complaints

If properly followed, the complaints procedure is expected to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Where a complainant makes one or more malicious and/or vexatious complaints the situation may require further appropriate action by the school. This could include the school having their legal advisers writing formally to the complainant advising them that because of their behaviour, the school is no longer prepared to investigate related or future complaints. Your legal advisers will of course provide specific advice based on the information available to them.

2.7 Time-Limits

Complaints need to be considered and resolved as quickly and efficiently as possible. The complainant will be informed about the expected timescales associated with dealing with the complaint. If a complaint is older than a year, it will not be investigated.

Where further investigations are necessary, the complainant will be sent details of the new deadline and an explanation for the delay.

3. Formal Complaints Procedure

There are three stages to our Formal Complaints procedure

- **Stage one : complaint heard by Deputy Head**
- **Stage two: complaint heard by Head Teacher**
- **Stage three: complaint heard by Governing body's complaints panel**
(Should the complaint be about the Head Teacher Chair of Governors would hear under stage 2).



4. The three formal stages

Stage One Complaint heard by *Deputy Headteacher*

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 know what to do when they receive a complaint.

The complaint will be investigated following the guidance above.

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 Deputy Head teacher can refer the complainant to another staff member.

Where the complaint concerns the Deputy Headteacher, the complainant will be referred to the Headteacher. Where the complaint concerns the Head teacher it will be investigated by the Chair of governors at Stage 2 and Stage 1 will not be followed.

Any contact with the Chair or to the panel of governors must be made via the school. They must not be contacted via their home addresses or personal phone numbers.

Where the first approach is made to a governor, the Governor must refer the complainant to the Deputy Headteacher who will advise the complainant about the procedure for making a complaint.

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 the later stage of the procedure.

The Deputy Headteacher may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. Following completion of the investigation the Deputy Headteacher will write to the complainant with the decision.

The complainant may be dissatisfied with the way the decision taken with regard to their complaint or the way the investigation was handled at stage one and may wish to pursue their initial complaint to stage 2.



Stage Two Complaint heard by *Head Teacher*

The complaint will be investigated following the guidance above.

If the complainant is not satisfied he/she may ask for the matter to be referred to stage three.

Stage Three Complaint heard by *Complaints Panel*

The chair of the complaints panel will consider whether to convene a meeting to consider the complaint. This decision will be based on a discussion with the Chair of Governors and communication with the complainant. This forms part of stage three.

The governors' appeal hearing is the last stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

The Complaints Panel

Complaints would not be heard by the whole Governing Body 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 governing body will nominate five members to form a panel of three with delegated powers to hear complaints. The terms of reference for the panel are to :-

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

The remit of the complaints panel

The panel can:-

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

Advice for the panel members

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 may sit on the panel if they have 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 sensitive to the issues of race, gender and religious affiliation.
- The aims 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 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.
- 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 out a tone and care is needed to ensure the setting is informal and not adversarial.
- 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 adults. Where the child's parents is 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 setting on the panel need to be aware of the complaints procedure.

The hearing – 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 any parties as they arrive at the hearing
- Record the proceedings and notify all parties of the panel's decision.

The hearing –role of the Chair of the Complaints panel

The chair of the panel will ensure that:-

- there is a check that the correct procedure has been 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 facts 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.

Procedure at the panel hearing

To assist all involved in a hearing by ensuring each person is able to provide the information they wish, and the other side can question that information, it is recommended the following procedure be adopted at the hearing:-

- The hearing is kept 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 complainant and 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 explains that both parties will hear from the panel within five working days

Both parties leave together while the panel decides on the issues.

Notification for 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 decisions.

If possible this should be done within five working days. If the panel believe it will take longer eg. Other commitments prevent the panel members meeting to discuss the case for several days, the complainant should be advised of this.