

## **A Procedure to Deal with** **Comments, Concerns and** **Complaints about Schools**

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Review when new County Policy available

# Purpose

Schools value the generally good relations they enjoy with parents and the community. These good relations are based on mutual respect and a willingness to listen to other points of view. The purpose of the complaints procedure is to provide a framework for the governing body to adopt, giving a structured opportunity for all concerned to express and resolve concerns and thus to improve provision.

# Introduction

It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.

There are specific procedures for certain other complaints (e.g. SEN Statements, accusations of child abuse, exclusions) which must be followed in those cases – this procedure is intended for those complaints which do not appear to fall into any of the existing categories.

# Stages

The full procedure has three stages, but every effort should be made to resolve issues at the earliest possible stage:-

## **1. Teacher (or Principal if immediately involved)**

Most concerns are easily resolved informally by discussion with staff at the school: more difficult or complex concerns may take more than one discussion. All schools are happy to receive suggestions and to talk about concerns which help them identify areas of success and areas in which they could improve. Where a concern is brought to the school's attention it can often be resolved. Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a complaint.

## **2. Investigation of Principal by Chair of Governors**

The Principal will make an investigation and respond to the complaint. If the complaint is directed at the Principal, then the Chair of Governors (or other named governor) should take on this stage. The complainant will be asked to confirm the complaint in writing to the Principal (or Chair of Governors if the complaint is about the Principal) and it will be acknowledged in writing. The Principal (or Chair) will copy relevant papers to any member/s of staff named in the complaint. Any concerns should be raised as soon as possible after the event.

### **3. Complaint to the Governing Body**

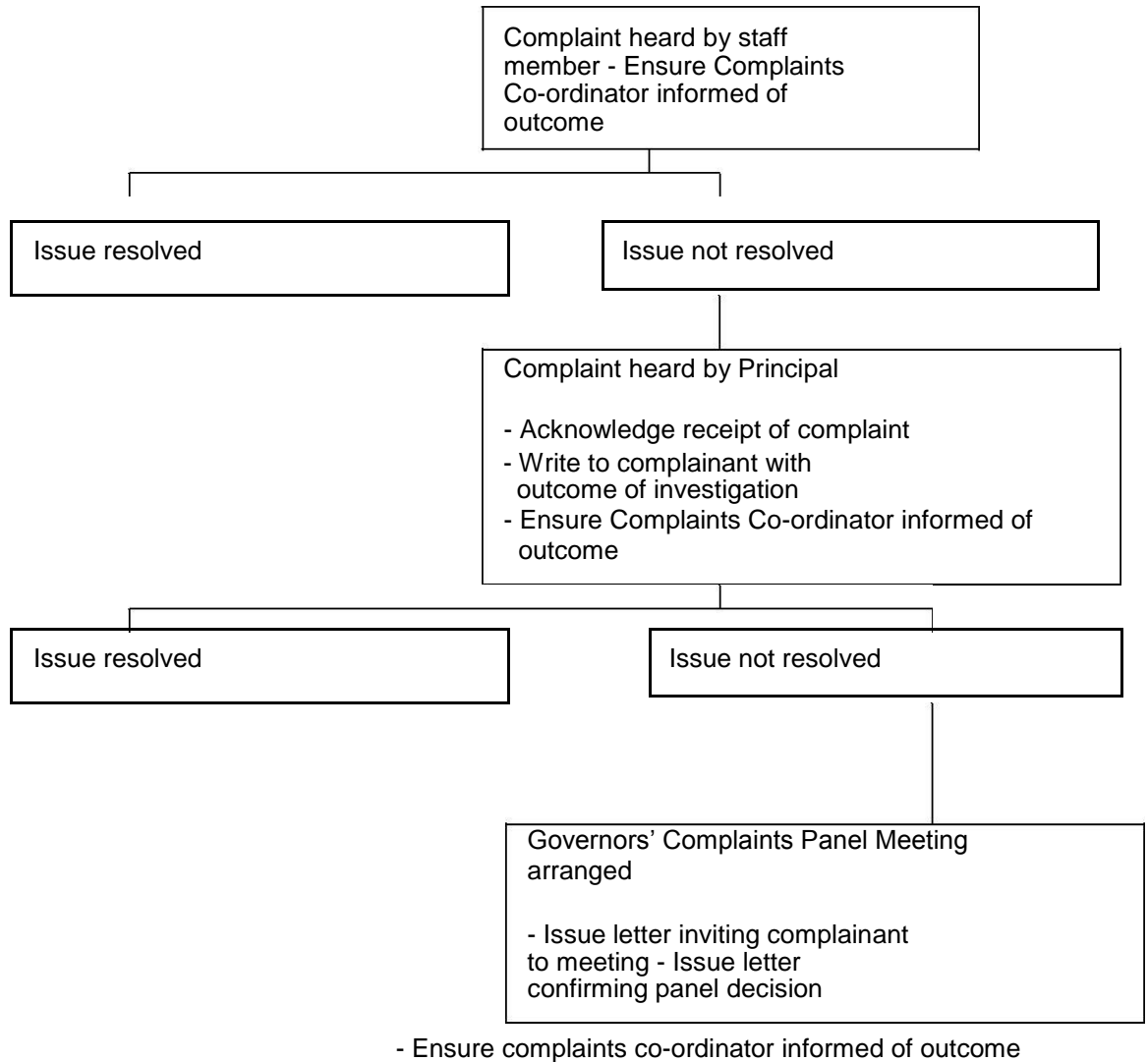
If after careful attempts a resolution is not achieved, the complaint will be heard by a panel of at least three governors only if the complainant has:

- sought to resolve the concern through approaches to the school as described in stages 1 and 2;
- allowed reasonable time (normally no more than four school weeks) for investigation of the concern;
- accepted any reasonable offer by the school to discuss the result of the investigation;
- taken part in any process of mediation offered by the school;
- put the complaint clearly in writing (normally within two months of the event).

# School Complaints Procedure

## Flowchart

### Summary of Dealing with Complaints



## **Stage One: 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 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 Principal, the Complaints Co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. 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. It would be useful if governors did 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.

## **Stage Two: Complaint Heard by Principal**

The Principal's influence will already have shaped the way complaints are handled in school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one 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 Three: Complaint Heard by Governing Bodies Complaints Appeal Panel**

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints panel.

The Governors' Appeal Hearing is the last school-based stage of the complaints process, and is not convened to merely 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 Governing Body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual requests;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. 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 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 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 procedure.

## **Roles and Responsibilities**

### **The Role of 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;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

### **The Role of the Chair of the Governing Body or the Nominated Governor**

The nominated governor role:-

- check that the correct procedure has been followed;
- if a hearing is appropriate, 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;
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- 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; 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.



## **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 Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Principal 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 Principal 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.

## School Complaints Procedure

Please complete and return to \_\_\_\_\_ (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

**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:**

**Official Use -**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**