

**CECIL ROAD PRIMARY & NURSERY  
SCHOOL**



**SCHOOL COMPLAINTS PROCEDURE**

**FEBRUARY 2011**

# SCHOOL COMPLAINTS PROCEDURE

## General

'The governing body is required by the Education Act 2002 to have a policy for dealing with parents' complaints.

The school's complaints policy allows parents' complaints about school issues to be dealt with efficiently and sensitively, and at the appropriate level.

Complaints can cover a wide variety of matters that concern parents. The school expects ALL parental complaints to be taken seriously and to be dealt with comprehensively and as far as possible in confidence.

## Aims

The policy aims to ensure that all complaints from parents, pupils and others are dealt with as quickly and sensitively as possible, and by the person best able to do so.

As far as possible all concerns should be dealt with as informally as possible.

A parent, pupil or other complainant should be able to expect to have a response, even if not the final response, to their complaint within 48 hours of having made the complaint.

If parents, pupils or other complainants wish to register a formal complaint they should be asked to complete the school's Formal Complaint Form and return it to the Complaints Co-ordinator.

The procedures must be published under arrangements made by the Head and approved by the Governing Body.

## Types of Concerns and Complaints

The majority of complaints received by the school fall into the following categories:

- **Financial and administrative** (and breach of contract in independent schools);
- **Academic** (course programme, unsatisfactory teaching, too much/too little homework, progress in a particular subject, etc);
- **Pastoral** (discipline/indiscipline, inappropriate sanctions, bullying, overall progress of the child, unhappiness of child, etc), and
- **Child protection** (allegations against staff, handling of sensitive issues).

## **Responsibilities**

**Governing Body:** for approving the policy, procedures and guidelines, hearing and deciding on appeals, receiving reports and advising the Head. The Governing Body will monitor the level and nature of complaints and review the outcomes at termly meetings.

**Chair of the Governing Body:** to receive complaints at Stage 3, to nominate a governor or panel to hear the appeal and to check that the correct procedure is followed.

### ***Nominated Governor or Chair of the Panel at Stage 3:***

To ensure that:

- the parties understand the procedure;
- the issues are addressed;
- key findings of fact are established;
- complainants are put at ease;
- the hearing is conducted as informally as possible;
- the panel is open-minded and acts independently;
- no member of the panel has a vested interest in the outcome, or has been involved in the issues previously;
- all parties have the chance to be heard, and
- any written material is seen by all parties.

### ***Clerk to the Governing Body***

The Clerk must act as the reference point for the complainant at Stage 3. the Clerk must:

- set convenient dates and times and venues for hearings;
- collate any written material and forward it to the parties;
- meet and welcome the parties;
- recording the proceedings, and
- notify the parties of the decision.

**Deputy Head:** for the overall management of the procedures, for hearing complaints at the second stage (see below), ensuring that the procedures are monitored and reviewed and termly reports made to the Governing Body. For dealing with and where possible resolving complaints about academic matters/programmes of study/teaching methods at Stage 1 of the procedures.

**Complaints Co-ordinator:** for the efficient operation and management of the policy and procedures, for training staff on how to deal appropriately with complaints, for keeping parents, pupils and others informed of the procedures, and for compiling reports for the Head as required.

**Bursar:** for administrative, environmental and financial queries and complaints.

**School Managers/Early Years Manager:** for dealing with and where possible resolving complaints concerning overall pupil progress, discipline issues, pastoral care.

**Named Senior Member of Staff:** for child protection issues.

**All Staff:** for hearing any concerns brought to them by parents and pupils and reassuring them that they will be dealt with as soon as possible by the appropriate member of staff, and for informing the relevant staff of the concerns. And for passing any complaints received from other people who are not parents or pupils to the Complaints Co-ordinator.

## **Cecil Road Primary & Nursery School – General Complaints Procedure**

### **General (Non-Statutory) Complaints Procedures**

#### **General Principles**

- This procedure is designed to ensure that wherever possible an informal resolution is attempted.
- All stages of the complaints procedure should be investigatory rather than adversarial.
- The procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school and where that complaint may not be pursued through statutory complaints procedures.
- The responsibility for dealing with general complaints lies solely with the school.
- Any anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as child protection issues, bullying allegations, where the school would either involve outside agencies or else conduct its own internal review to decide whether there is any evidence which might trigger a formal investigation.
- There should be a mechanism for determining spurious complaints and those brought by vexatious complainants.
- In the event that a complainant believes that the proper procedures have not been followed by the person dealing with the complaint, the complainant may make a request that the governing body review the process that has been followed to ascertain whether the procedure has been adhered to.
- Any review request that is based solely on dissatisfaction with the outcome rather than any identified failure to deal with the complaint according to procedure will not be accepted.
- Any governors involved in the process should receive appropriate training for their role.
- It is important that any potential complainant is aware of the correct channel through which to pursue their complaint. This will reduce the likelihood of letters of complaint being fired off with a scatter gun approach to the LEA, Secretary of State, councillors, MP, local paper, individual governors, etc.

- The existing procedure includes a hearing stage where the subject of the complaint is questioned in the presence of the parent or by the parent. The absence of such a stage in the new procedure is deliberate as its inclusion creates an opportunity for confrontation which runs counter to the resolution of any complaint. This is directly in accord with the principle set in the Department of Education guidance that the procedure be non-adversarial.
- It is helpful to place a limit on the time after which a complaint will normally not be considered. Complaints must be raised within one month of the event.
- The procedures should be designed to facilitate the resolution of the concerns with a minimum of conflict. Therefore, it is important that procedures adopted carry the confidence of all interested parties so that its use secures closure.
- The use of a well-designed first and review request form will assist the process by focusing the complainant on the importance of being specific about the nature of their complaint and the need to provide evidence or at least be able to cite relevant incidents.

### **Vexatious Complaints**

The majority of complaints are resolved by informal contact. Problems arise where the complainants are unreasonable and are not seeking to have a situation remedied but are determined to extract retribution for some real or imagined wrong. It is these latter circumstances which can lead to a school which is acting very reasonably to be locked into an on-going saga with letters flying back and forth with each reply demanding more and more answers to more and more questions. Often an attempt to clarify the situation will trigger a multitude of questions, none of the answers to which serve any constructive purpose. It is these vexatious complainants from which schools need protection.

### **Carrying Out an Investigation into Formal Complaints**

The investigation of an allegation or complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance, not only for the complainant but also for the member of staff against whom the complaint has been made. An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. Where the Headteacher or Chair of Governors receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

The member of staff against whom a complaint has been made should be notified that a complaint has been received, provided with a copy of the complaint and informed that an investigation will be carried out.

It is essential that there is a clear understanding of the complaint. Where necessary, the nature of the complaint should be confirmed with the complainant.

Once the complaint has been confirmed the investigator should establish who they wish to interview and what documentation they will need to review.

Arrangements should be agreed that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded. The complainant and the member of staff should be given opportunities to offer documentation or to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in very extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews the investigator should prepare the questions to be asked prior to the interview. An interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, therefore, be advised that their response must be confined to the substance of the complaint.

The investigator should avoid reaching conclusions or passing judgements until the investigation has been completed.

The summary of the processes undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. (Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to remain in post).

The complainant should be advised that he or she may, if they are not satisfied that the proper procedure has been followed, request a review of that process by the Governing Body.

## **Information**

The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.

If a complainant believes that the Governing Body has acted illegally in handling the complaint, then the complainant may make representation to the Secretary of State for Education.

## **Complaints Procedure**

Stage 1	Informal Stage
Stage 2	Formal Stage
Stage 3	Review/Appeals to the Governing Body

### **Stage 1 Informal Stage**

The complainant is expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone, in person or by appointment. Many concerns can be resolved by clarification of simple information or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. (Any dispute relating to the “unreasonableness” may be determined through the review process).

### **Stage 2 Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing, using the model complaint form, to the Headteacher/Complaints Officer who will be responsible for the investigation. Alternatively, the complaint may be referred back to the informal stage of the procedure. If the complaint is judged to be vexatious then the complainant will be informed that their complaint will not be accepted and will not be investigated. The complainant should include details which might assist the investigation such as the names of potential witnesses, dates and times of events and copies of relevant documentation. The Headteacher/Complaints Officer will collect such evidence as he or she determines necessary. The investigation will normally begin within 10 working days of receiving the notification of the complaint. In abnormal circumstances a longer time-scale can be agreed, either by agreement with all parties or by a decision of the Chair of the Governing Body if no agreement is reached. When it has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach the conclusion so the complaint cannot be upheld;
- The concern is not substantiated by the evidence;
- The concern was substantiated in part or in full;
- The matter has been fully investigated and proper procedures have been followed and are strictly confidential.

The complainant will be told that consideration of their complaints by the Headteacher or Complaints Officer is now concluded.

### **Stage 3      Review/Appeals to the Governing Body**

Any review of the process followed by the Headteacher or Chair shall be conducted by a panel of three members of the Governing Body.

The review would normally be conducted through a consideration of written submissions.

The panel will receive written evidence from the complainant and the hearing must be within 15 working days of the Chair receiving notice of the complaint.

The panel will then invite the Headteacher or the Chair, as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant and the Headteacher or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion so the complaint cannot be upheld;
- The concern is not substantiated by the evidence;
- The concern is substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed;
- The concern is substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation.

The Governing Body's decision is binding. The decision at this stage must be communicated to the parties within five working days of the hearing.

### **Reporting and Recording**

In all cases it is important for staff to use the school's 'Complaints Form' so that records of the complaint and the action taken can be recorded and traced. Supporting documents should be attached to the form.

The Head and Complaints Co-ordinator will consider the handling of complaints from time to time, and will discuss issues with staff as necessary.

The Head will report to staff from time to time, and to the Governing Body each term on the number and type of complaints received and their outcomes.

# School Complaints Procedure

## Complaint Form

Please complete and return to the 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 paperwork? If so, please give details.**

**Signature:**

**Date:**

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**Official Use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**