

# School Complaints Procedure 2017-2019

Before embarking on a formal complaints process it is important that all parties peruse the whole of this procedure and seek clarification for any aspects of which they are unsure.

This complaints procedure was ratified by the full governing body of Winwick CE Primary School on 19<sup>th</sup> September 2017.

The procedure was discussed with the teaching staff on 20<sup>th</sup> September 2017.

The procedure will be available on the school's website and hard copies can be requested from the school office.

Next review: September 2019

## Contents

- i. Overview
- ii. Context
- iii. Commitment
- iv. Purpose
- v. Scope
- vi. Dealing with complaints
- vii. Vexatious complaints
- viii. Formal procedures
- ix. Framework of principles
- x. Investigating complaints
- xi. Resolving complaints
- xii. Time limits
- xiii. Convening a complaints committee

### The stages of complaints

- Annex A Flowchart
- Annex B Complaints Form
- Annex C Code of conduct for the school and complainants
- Annex D Advice and good practice for the school and complainants
- Annex E Home school agreement

## School Complaints Procedure

### i. Overview

Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England were required, under Section 29 of the [Education Act 2002](#), to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

### ii. Context

Parental concerns and complaints are a reality of the day-to-day life and work of schools and most informal complaints are handled with much success, drawing upon effective parent-school relationships and an “open-door” approach to complaining.

### iii. Commitment

This school is committed to:

- a robust complaints procedure
- a positive ethos and outlook to complaints and complainants
- access to training for staff and governors e.g. via annual discussion and review of the procedure
- addressing the complaint informally wherever possible
- providing a termly update about complaints to governors (anonymised where appropriate)
- having an appropriately appointed complaints committee in place
- a whole-school approach towards dealing with concerns and complaints
- communicating regularly with parents
- a willingness to learn from complaints where appropriate.

However, the following should be taken into account:

- Complaints that move beyond the informal stage are by their nature rare and it may take several “live” complaints to test the robustness of the school’s procedure
- All complaints are unique and so there should sometimes be some flexibility in how a complaint is addressed. Where this is the case, for example changes to timescales, it should be discussed with, and agreed by all parties
- Complaints that move beyond the informal stage are often stressful for all concerned and this should be borne in mind by all parties.
- Due to their rare nature, those addressing complaints may have limited experience of dealing with them and all concerned should try to be understanding of this; communication is the key and a clear and mutual understanding of what is happening, why and when is useful

**iv. Purpose**

This procedure aims to reassure parents, and others with an interest in the school, that any complaint will be dealt with in an open, fair and responsive way.

**v. Scope**

A complaint is defined as a clear statement of dissatisfaction with the school or its work.

The difference between concerns and complaints is not always clear-cut and it is advisable to avoid being too prescriptive. Any expression of dissatisfaction that needs a response, however communicated, may be regarded as a complaint. Establishing what action (or acknowledgement) a complainant wishes to see taken is a good starting point to distinguish an enquiry from a complaint.

Complainants may be anyone, such as: parents, carers, grandparents, neighbours of the school or anyone with an interest in the school.

**vi. Dealing with complaints**

Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. Where appropriate, staff will resolve issues on the spot, including apologising where necessary.

Complaints may be made by telephone, email, in person or in writing. At the formal stage (**Stage 2**) a written complaint needs to be provided using the form in **Annex B**. However, schools should be mindful of, and sensitive to equal opportunity and the possible needs of complainants. Complainants should be supported whenever possible to engage with the complaints procedure and schools may need to apply some flexibility in this respect.

**vii. Vexatious complaints**

There may be rare occasions when, despite all the school based stages of the complaints procedure being followed, a complainant remains dissatisfied. If the complaint has passed through all the stages and the complainant seeks to re-open the same issue, the governors reserve the right to inform him/her in writing that the matter is closed.

**viii. Formal procedures**

The formal procedures will need to be started when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

## School Complaints Procedure

It is important that:

- from the outset, complainants state what actions they feel might resolve the problem
- the school provides the complaints procedure to the complainants, if their complaint has not been resolved informally
- the complainants complete the complaints form (**Annex B**) and that the school brings this form to their attention, making support available for its completion (or other reasonable adjustments) if necessary.

However, all parties should bear in mind that, because of the unique nature of complaints it can sometimes be difficult to ascertain when a complaint has become formal.

To help this, both parties should try to:

- communicate clearly
- agree that the complaint has become formal
- agree what stage the complaint is at
- agree the next steps, referring to the procedure.

### ix. Framework of principles

This school's complaints procedure and process will:

- encourage resolution of problems by **informal** means wherever possible
- be **publicised** on the school's website
- be **impartial**
- be **non-adversarial**
- allow **swift** handling with established **time-limits** for action
- will keep people informed of progress
- ensure a full and fair investigation where necessary
- respect **confidentiality**
- provide a response and **appropriate** redress, where necessary
- provide **information**, as appropriate, to the school's senior management team so that services can be improved.

### x. Investigating complaints

The person investigating the complaint will endeavour to:

- establish **what** has happened so far, and **who** has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or speak to them by telephone
- clarify what the complainant feels would put things right
- speak to those involved in the matter and those complained of, allowing them to be accompanied if they wish

## School Complaints Procedure

- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview and of all discussions/meetings at the formal stage including telephone calls
- independently minute interviews and committee meetings
- identify areas of agreement between the parties
- clarify any misunderstandings that might have occurred on both sides
- create a positive atmosphere in which to discuss any issues
- ensure that a focus on the **original complaint is maintained**, as stated on the Complaints Form provided by the complainants.

**NB** Further complaints, even if arising from the process, will usually be regarded as **new** complaints and progressed accordingly, using this procedure. Alternatively, if they are to be progressed with the original complaint this will be at the **discretion of those leading the relevant stage** when an additional complaint arises. It will be **made clear** to the complainants if any arising issues will be dealt with as part of the original complaint or as a new complaint.

### xi. Resolving complaints

At each stage of the procedure the school will keep in mind ways in which a complaint may be resolved. If appropriate, it may be acknowledged that the complaint is valid in whole or in part.

It may be appropriate to offer one or more of the following as a resolution:

- 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.

**NB** The above would be provided in an appropriate form, that is, written or verbal, usually to the **complainant only** and in such a way as to maintain the dignity of those involved. Any actions for improvement or learning points arising from a complaint will be shared with the governing body and or staff if appropriate.

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

### xii. Time limits and flexibility

By their very nature, complaints may be unique and whilst it is important that this procedure is followed as closely as possible there may, in rare

## School Complaints Procedure

instances, be the need for some flexibility in its application in order to ensure a full and fair process for all concerned.

Complaints will be considered, and resolved, as quickly and efficiently as possible, balanced against realistic expectations. Time limits for each action have been provided within each stage. On occasion, there may be the need for some flexibility. For example, if there is a need for further meetings between the complainant and the member of staff directly involved and or further investigations are required.

**It is important that all parties are aware of any deviations in timescales and the reasons for them. Proposed alterations to timescales should be notified in advance and reasons given.**

All time scales refer to **working school days**, for this school, excluding school holidays, inset days and bank holidays.

### **xiii. Convening a complaints committee**

The **full governing body** should review the establishment, terms of reference, constitution and membership of the complaints **annually**, as with any other committee. The committee must have a Chair who is appointed either by the full governing body, or the committee. The governing body must appoint a clerk to the committee who must take minutes. Members of the committee, as established by the full governing body, have a right to attend the committee unless, for example, they have prior involvement as stated below. Governors should follow the procedures as outlined in the **Governors handbook** regarding committees (this term is inter-changeable with “panel”).

Governing body committees should be independent and impartial and seen to be so. No governor may sit on the committee if they have had prior involvement in the complaint or in the circumstances surrounding it. There should be clear arrangements should a member of the committee be unable to serve, such as, the first three available governors alphabetically. In deciding the make-up of the committee, governors need to try to ensure that it is a cross-section of the categories of governor and sensitive to issues of race, gender etc.



## The Stages of complaints

There are three stages:

- Stage one: Complainant discusses the matter with an appropriate member of staff such as: the person against whom the complaint is being made (if appropriate and only if an adult), the complaints co-coordinator (if the school has one), a senior member of staff, or the head teacher.
- Stage two: Complaint investigated by the chair of governors
- Stage three: Complaint heard by governing body's complaints Committee

### **STAGE ONE** **Informal stage**

It is in everyone's interest that complaints are resolved at the earliest possible stage and preferably with the person about whom the complaint has been made.

The complainant will discuss the matter with an appropriate member of staff such as: the person against whom the complaint is being made (if appropriate and only if an adult) head teacher, senior member of staff or complaints co-ordinator.

**If the complainant is unsure who to discuss the matter with, they should contact the school office or the head teacher for clarification.**

The matter will be looked into thoroughly. The complainant will be informed of the outcome of this (within **five** school working days), in person where possible, and what action, if any, the school proposes to take.

If the complaint is initially discussed with a member of staff other than the head teacher and the complainant remains dissatisfied, it should **also be discussed with the head** (or deputy in his or her absence) before progressing to the formal stage.

If the complaint is **about the head teacher** it should be discussed with him/her informally first before progressing to the next stage.

In exceptional circumstances, where the complainant feels they cannot discuss the matter with the head teacher, the complaint may move directly to Stage 2.

If the informal process has been exhausted and the complainant remains dissatisfied, the complaint will move to Stage 2.

## School Complaints Procedure

The complainant will be provided with the complaints procedure and asked to complete the **complaints form, Annex B**.

The complainant needs to be clear about what their complaint is and **how they would like it to be resolved**.

This form should be forwarded by the complainant to the **chair of governors** (or vice chair in his or her absence) who will investigate the complaint.

NB Where the first approach is made to a governor, the next step would be to refer the complainant to the head teacher. **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 committee at a later stage of the procedure.

### **STAGE TWO**

#### **Complaint investigated by the chair of governors.**

The Chair of Governors will:

Acknowledge the receipt of the complaints form within **five** working school days.

Provide an opportunity to meet with both the complainant and the head teacher (or person complained of if different) within **ten** working school days.

Investigate the complaint (**following the section on investigations** above).

Provide a **written** response to both the complainant, the person about whom the complaint has been raised and the head teacher (if different) within **ten further** school working days.

Provide **conclusions** and **reasons** for the conclusions as part of this written response.

The written response should be by letter sent by post unless the complainant requests otherwise.

The chair of governors and or complainant, or head teacher or person against whom the complaint has been raised may wish to discuss the report in person in order to clarify any issues. This will be at the discretion of the chair of governors and will be for clarification and on an individual basis, not to re-investigate the complaint, change the outcome or to meet as a group.

If the complainant remains dissatisfied on receipt of the chair of governor's report she/he needs to write to the **clerk** (contact details available from the school office) to the governing body within **ten** school working days also forwarding **the original complaint form**.

The clerk will acknowledge receipt within **five** working school days.

**NB** The vice chair will undertake the investigation at Stage 2 in the absence of the chair.

### **STAGE THREE**

#### **Complaint heard by governing body's complaints committee**

Complaints only rarely reach this level.

The clerk will convene a governing body complaints committee (see xiii above).

The clerk will notify all parties of the date, time and location of the meeting. At least **five** days notice will be given to attendees.

The clerk will inform the complainants of the names of the committee members and the school contact details of the chair of the committee.

The clerk will ensure the availability of the committee, the complainant, the person against who the complaint is made and the head teacher (if different). It is up to the complainant, person against who the complaint is made and to ensure that any others to be interviewed are available for the committee hearing in order that reasonable timescales can be met. The clerk is under no obligation to delay a meeting in order to ensure the availability of any other interviewee.

The complaint will be heard by the committee within **twenty** working school days of the clerk receiving the written request to progress to Stage 3.

Committee hearings are often the most stressful part of any complaints procedure, for all concerned. As at all stages, it is important that **conduct** is appropriate (see **Annex C**) and that the meeting is as **informal** as possible.

Both the complainant and the person against whom the complaint is made will attend the hearing.

Both the complainant and the person against whom the complaint is being made may be accompanied by one adult (who has no involvement in the issue), if they wish. The accompanying adult is a supporter only and may not speak on behalf of the complainant except where this would otherwise disadvantage them (for example if English is not their first language), in which case they can act as an advocate. If an accompanying adult is to act as an advocate and speak for the complainant this must first be discussed with and agreed by the chair of the committee before the date that the committee meets.

The committee will interview others involved in the matter if appropriate and necessary to their investigation, or at the request, in advance of the hearing, of the complainant or the person against whom the complaint is made.

The chair of the committee will obtain the documentation used in the chair of governors' investigation as soon as possible and his/her report.

## School Complaints Procedure

The chair of the committee will ensure that the committee members, the complainant and the person against whom the complaint is raised receive copies of this documentation plus a copy of the school's complaints procedure, at least **five** working school days in advance of the hearing.

Members of the committee need to have perused all documentation thoroughly, including the school's complaints procedure, before the committee hearing.

The committee will meet immediately before the hearing to discuss the issues raised in the documentation and to discuss the format of the hearing.

The chair of the committee 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.

The committee will first meet with the complainant and then the person against whom the complaint is made (if this is not the head teacher he/she may be an observer on the committee if he/she does not have any other role, for example, one of the people to be interviewed or the accompanying adult for the person against whom the complaint is raised). The committee will also meet with any other interviewees. The complainant and person against whom the complaint is being made may be present throughout to hear each other's representations and/or to question each other and or any interviewees.

**See also the guidance above regarding investigations.**

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

The aim of the hearing is to try to **resolve** the complaint and to try, if possible, to achieve reconciliation between the complainant and the person against whom the complaint is made.

The committee and both parties should focus on the **substance of the original complaint** in the complaints form and how the complainant would like it to be resolved.

The meeting must be independently minuted, for example by the clerk.

Following the hearing, the chair of the committee will:

Provide a **written** response to the complainant, copied to the head teacher, the chair of governors and the person against whom the complaint is being made (if not the head teacher) within **ten** school working days.

## School Complaints Procedure

The draft minutes of the committee meeting will be distributed to the committee, complainant and person against whom the complaint is made within **five** school working days. Responses must be made within a further **five** school working days. The agreed minutes will be made available to all parties on request.

Provide conclusions in the written response and reasons for the conclusions.

State what actions, if any, need to be taken.

Be clear that the complaint has been **“upheld”**, **“upheld in part”** or **“not upheld”**.

Explain that the decision of the complaints committee is final and concludes the school based investigations.

If a complainant feels that the school or governing body has acted unreasonably after all the stages have been exhausted they may contact:

Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WD

Telephone: 0370 000 2288

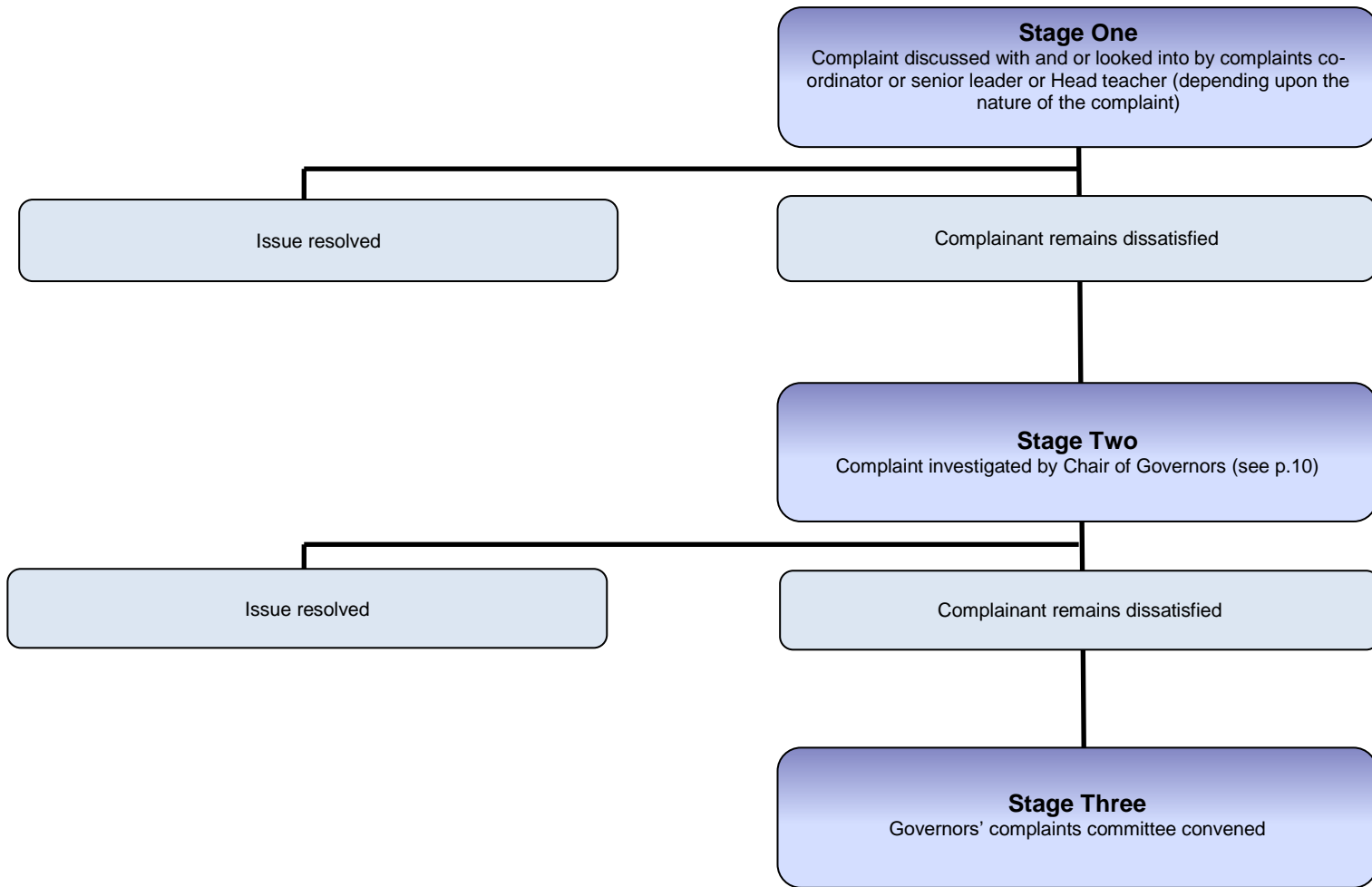
Email: [info@education.gsi.gov.uk](mailto:info@education.gsi.gov.uk)

Website: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

## School Complaints Procedure

### Summary of Dealing with Complaints

#### Annex A - Flowchart



**Annex B - Complaint form**

**Please complete and return to ..... head teacher/chair of governors who will acknowledge receipt and explain what action will be taken.**

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Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email:

Please give details of your complaint.

What action, if any, have you already taken to try to resolve your complaint.  
(Who did you speak to and what was the response)?

## School Complaints Procedure

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

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

Signature:

Date:

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Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

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## Annex C – Code of conduct

### All parties will:

- speak calmly without raised voices
- use appropriate, courteous language (never swearing or using offensive language)
- use appropriate body-language that is non-threatening
- never make threats or be sarcastic
- bring the complaint to the attention of the school as promptly as possible
- not make a complaint personal
- not discuss a complaint on social networking sites
- meet the requirements of the Home School Agreement (**Annex E**).

### School will:

- treat all complaints individually
- not take complaints personally
- stay calm
- not rush
- respond as promptly as possible
- maintain confidentiality
- treat all complaints seriously.

This code of conduct applies to all parties involved in a complaint, at all stages. If the code is breached the following sanctions can be applied:

Member of school staff	School's disciplinary policy
Complainant	Asked to provide documentation only and or communicate by telephone (at the discretion of the person leading the relevant stage) rather than face to face hearing/interviews. Consideration given to restricting attendance on school premises.
Governor	Removed from the process and replaced by the vice-chair of governors in the case of the chair or next available governor alphabetically in the case of other governors.

## **Annex D**

The guidance below is recommended but not prescriptive.

### **Advice and good practice for the school:**

- Be mindful of equal opportunities ensuring that the complainant has support through the process where necessary; with reading the policy/completing the complaints form, if English is an additional language for instance
- Anonymous complaints are only acceptable in exceptional circumstances
- Try to be clear (without patronising) and avoid using jargon
- Ensure the complainant has a copy of the complaints procedure
- Take your time. Let people have their say. Listen carefully and sympathetically before replying and attempting to find a solution
- Keep open-minded
- Have a colleague with you to take notes
- End the meeting on a positive note and thank people for their time
- Offer to arrange another review meeting

### **Advice and good practice for the parents:**

- Be tactful, plan the words you will use to explain the problem
- Try to demonstrate that you can see both sides of the situation but be sure to say how your child feels
- Remember to praise any actions taken by the school
- Write down any points you wish to make beforehand
- Take a friend or partner along with you if you wish
- Make sure you are clear about what you would like to happen to resolve the complaint – remember this must be reasonable
- Be open-minded
- End the meeting on a positive note and thank people for their time
- Ask for another review meeting if that would be helpful
- Ask for clarity around any points in the school's complaints procedure if necessary.