



Madley Primary School

Complaints Policy

Date established by governing body

Spring Term 2024

Review date

Spring Term 2025

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EDUCATION ACT 2002

1. Under Section 29 of the Education Act 2002 governing bodies of all maintained schools and nursery schools in England are required 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 complaints procedure to be published. In addition, the governing body must hear formal complaints from parents and others about the school's curriculum, according to procedures set up by the LA.
2. Headteachers and governors should note the following:
 - Procedures relating to general complaints do not replace the LA's procedures relating to curriculum and collective worship complaints;
 - Certain forms of complaint, e.g. staff grievance or disciplinary procedures, also fall outside the scope of these general complaints procedures;
 - Third parties that use school premises for any purpose should be encouraged to adopt their own complaints procedures;
 - Schools and governors are encouraged to involve their LA and teacher's associations in drawing up their own procedures.

DEALING WITH COMPLAINTS – INFORMAL STAGE

3. DCSF guidance on developing and applying complaints policies and procedures strongly encourages schools and governing bodies to differentiate between concerns and complaints and in both cases to keep procedures for dealing with them as informal as possible.
4. Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
5. All concerns will be taken seriously in order to establish an effective partnership between the school and the parents and should be dealt with promptly so that they can be resolved swiftly at the time. Occasionally there may be complaints where the individual complainant does not wish to be identified at the preliminary stage. As far as possible, these should be dealt with under this procedure. However there may be circumstances where confidentiality cannot be guaranteed because of the seriousness of the complaint. In addition, the wish of the individual complainant to remain anonymous may limit the ability of the school/LA to fully investigate the nature of the complaint or take any action once an investigation is complete. The complainant should be informed if their desire for confidentiality inhibits the full investigation of the complaint.
6. The school and LA may decline to investigate a matter if it is not very recent and the complaint could reasonably have been expected to be raised earlier. The normal expectation is that a complaint will be raised within **three months** of the alleged subject matter of the complaint though it will be important to judge whether or not the nature or seriousness of the allegation merits a more flexible approach.
7. 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. Therefore all staff must be made aware of the procedures in order to respond appropriately to complaints.
8. The vast majority of disagreements between schools and parents/carers are resolved during routine day-to-day school business by means of communication, negotiation and mediation. However, from time to time, disagreements can develop into formal complaints. The initial advice Children and Young People's Directorate always gives to parents/carers is that they should arrange to meet with the headteacher with the aim of resolving any perceived problems. This is consistent with the Council's complaints procedure published in the Information for Parents: Admissions and

Transfers to Schools booklet. Very often, this direct practical approach means that the complaint goes no further. However, if a parent/carer insists on submitting a formal written complaint they should be informed of the procedure and encouraged to do the following:

- Put their complaint in writing.
- Make the complaint brief and clear, outlining the precise nature of the problem.
- Keep a copy.
- Send it to the headteacher (or the chair of governing body if the complaint is about the headteacher).

9. These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher will receive the first approach. It is beneficial if staff seek to resolve issues on the spot, including apologising where necessary.

PRINCIPLES

10. An effective 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**;
 - Allow **swift** handling with 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 the school's senior management team so that services can be improved.
11. It is suggested that at each stage, the person investigating the complaint makes sure that they:
- 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, at least contact them;
 - Clarify what the complainant feels would put things right;
 - Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
 - Conduct the interview with an open mind and be prepared to persist in the questioning;
 - Keep notes of the interview;
 - Feedback to the complainant.

FORMAL STAGE 1

12. The 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.

13. Schools might wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's "complaints co-ordinator". In smaller schools this may often be the headteacher.

FORMAL STAGE 2

14. The headteacher will notify the complainant that, if he/she is not satisfied with the outcome of the response from the headteacher, he/she will be able to refer the matter **in writing** to the chair of the governing body setting out the complaint.

15. The chair of the governing body will consider the evidence of the Complaint, in confidence and without reference to any other member of the governing body. If the complaint is serious or complex, advice must be sought from Governor Services or the Legal Services Department of the Council. Having considered the complaint the chair of the governing body will either write to the complainant with his/her findings and, should it be necessary, the reasons for a meeting with the complainant and the headteacher in an attempt to resolve the matter.

16. Should either the complainant or the headteacher be dissatisfied with the outcome of the chair of the governing body's investigation they may ask for the matter to be referred to a panel of the governing body by writing to the clerk of the governing body setting out the reasons for the referral. The chair of the governing body should summarise the complaint to other members of the Complaints Committee and ascertain their preliminary view as to whether the matter should be dealt with at a meeting of the committee. If the members' view is that the complaint should not proceed, the complainant should be informed, with reasons. Children and Young People's Directorate or the Legal Services Department (an/or in the case of voluntary aided schools the Diocesan Education Office) should be consulted at an early stage in the case of serious or complex matters. Because it is quite likely that the complainant is not known to those investigating, at this stage it is very important to include a face to face interview. Such an interview would ensure that the nature of the complaint is very clear and also that the complainant knows the complaint is being taken seriously.

17. At this stage, following an investigation, the DCSF guidance recommends that the governors could:

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

18. A common problem at this stage has been that the written response to the complainant has not addressed the specifics of the complaint. It is therefore essential to address the questions and concerns raised in the complaint.

19. Cases which may result in disciplinary action being taken against a member of staff must follow the procedures recommended by the Education Human Resources Section from whom specific advice should be sought.

20. Where the chair of the governing body is being asked to consider a complaint about a matter which involved the headteacher's management responsibilities, he or she should consider carefully whether the headteacher's actions are within the boundary of reasonable responses and not substitute their own retrospective view of how they would have acted in the same circumstances.

21. The chair of the governing body should consider whether a conciliatory role between the headteacher and the complainant would be the best way of resolving the complaint.

FORMAL STAGE 3

22. This stage is reached when all efforts to resolve the complaint at school level (i.e. both the headteacher and governors have failed, in the eyes of the complainant, to resolve the issues).

23. The LA have an officer, part of whose job it is to register and monitor complaints. This officer will investigate some of the complaints but very often will delegate that role to another, often more appropriate person with the LA.

24. Following the investigation a final written report will be sent to the complainant with, very often but not always, an invitation to meet to discuss the outcome. Copies of the report will be sent to the headteacher, chair of the governing body and the appropriate School Improvement Service Inspector.

25. If the complainant remains unsatisfied and still wishes to take the complaint further then they have the following options:

- Refer the matter to the Local Government Ombudsman;
- Refer the matter to Ofsted;
- Refer the matter to the Secretary of State (if the complainant believes the school has broken the law or has acted unreasonably).

HOW TO CONDUCT AN INVESTIGATION – APPLICABLE TO ALL LEVELS

26. Ask the complainant to put their complaint in writing to the clerk to the governing body. It is often useful to stress that the letter not be too unduly long and that, if there is more than one issue, to let them clearly, i.e. number them or put them in bullet points. Sometimes parents/carers do not make it clear when they write and the precise nature of the complaint can be difficult to see.

27. Meet with the complainant. This **may** be less important for the headteacher who may have met with the parent/carer on numerous occasions. However, for the chair of the governing body or any governor, delegated to investigate the matter, it is highly recommended in order to grasp the essential substance of the complaint. **It is also important to meet personally, so that the complainant knows they are being listened to and, that the complaint is being taken seriously.**

28. The complainant, the headteacher and chair of the governing body will provide the clerk with all documentation to be used at the meeting, at least **ten days** before the meeting take place.

29. The clerk will distribute all documentation to both parties and to the members of the panel at least **seven days** before the meeting.

30. The complainant, the headteacher and chair of the governing body will be advised by the clerk that they may be accompanied by a friend or representative at the meeting.

31. The normal procedure to be followed at the meeting is set out below. Provided he/she is satisfied that it will give all parties an opportunity to present their case, the vice-chair of the governing body may vary this procedure with advice from the clerk to the governing body.

- the panel will be chaired by the vice-chair of the governing body and he/she will make arrangements for a note taker to be present. In the absence of the vice-chair the panel will agree a chair for the meeting;
- the chair explains the purpose of the meeting and introduces those present;
- the person calling the meeting presents their case;
- the panel will have an opportunity to question the person calling the meeting;
- the respondent presents their case;
- the respondent can be questioned by the panel;
- both parties withdraw;
- the panel consider the case and then write to both parties within **seven** working days to advise them of their findings and their reasons.

32. Examine all necessary correspondence, reports and so on.

- Talk to any other individuals or groups as necessary to arrive at a view.
- Take some time to reflect.
- Respond in writing and consider meeting with the complainant again to explain your findings.
- There is no specific format required when putting the conclusions of an investigation into a report or letter to the complainant. However the following might be useful:
 - a. indicate what evidence had been taken into account. It is important to include all interviews and the main reports, letters and so on.
 - b. An outline of the complaint.
 - c. Your general findings, outlining the views from various parties.
 - d. Your conclusion.
 - e.

33. As raised in the previous point, recommendations may be made. If these are appropriate, then these should be in a separate section in the report or letter.

CONFIDENTIALITY

34. Clearly, all the matters contained within this area of work – whether it is an informal concern, a formal complaint, or the ensuing investigation and final report – are strictly confidential and protected in legislation and good practice guidance. On no account should any of the issues raised during an investigation be discussed with any unauthorised parties.

TIMESCALES

35. At each stage it is advisable to discuss and agree timescales with the complainant. Some complaints are more complex than others and, as such – to allow for a thorough investigation to be done – may require more time. The important point to be made here is to keep the various parties informed, especially the complainant, if agreed timescales become unreasonable. However, as a rule of thumb, the following may be useful:

Informal Stage	2/3 days
Formal Stage 1 (Headteacher)	10 days
Formal Stage 2 (Governors)	20 days
Formal Stage 3 (LS Level)	30 days

36. School holidays are not included in these timescales. It is good practice to keep all parties, especially the headteacher and the complainant, informed of progress at all stages.

RESOLVING COMPLAINTS

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

VEXATIOUS COMPLAINANTS

38. If properly followed, a goods complaints procedure will limit the number of complaints that become protracted. However, sometimes a complainant finds it difficult to accept that this is the end of the procedure (this may apply to any of the formal stages but this is particularly the case at Stage

3) and it may be necessary to make very clear that the procedure has been exhausted and that the matter is now closed. Should this not stop the complainant from repeatedly trying to re-open the same issue then there should be some consideration to initiating the vexatious complaint process with the appropriate legal advice from the county's solicitors.

COMPLAINTS PROCEDURE

39. If your child attends a maintained school in Herefordshire and you are unhappy about any aspect of their education, you should refer to the school's prospectus. The prospectus will tell you how to register a concern or complaint. However, schools and local authorities are expected to provide parents with good opportunities to raise issues of concern through the following general procedures:

STEP 1

- **Talk to the teacher about your concerns** and explain them carefully. (Often this is all that is needed to find a solution)

Note: In large primary and high schools it may be appropriate for your concerns to be dealt with by a senior member of staff such as a Deputy or Head of Year. This procedure may be necessary before the headteacher becomes involved.

If you still have concerns and do not feel that the teacher has addressed them adequately.

- **Make an appointment to talk to the headteacher.** Say that you have already talked to the teacher but you still have concerns. Discuss the matter with the headteacher.

If you still have concerns and do not feel that the headteacher has addressed them adequately.

STEP 2

- **You should write to the chair of the governing body** of your child's school. The address is available from the school or from governor services in the Children and Young People's Directorate on 01432 260929. Depending on your complaint, the chair of the governing body may refer the matter to a committee of the governors.

Your letter should state clearly the concerns that you have and should contain all the relevant facts of which you are aware. If possible, include dates, times and the names of staff and/or pupils who know about the matter.

If you do not feel that the governors have addressed and dealt with your concerns to your satisfaction.

STEP 3

- You can refer your concerns to the Children and Young People's Directorate who will look into the matter. Sometimes the Diocesan Director of Education may also become involved in Catholic or Anglican Church schools.

Your letter should state clearly the concerns you have and should contain all the relevant facts. If possible, include dates, times and the names of staff and/or pupils who know about the matter.

Your letter of complaint will be acknowledged and will be passed to an appropriate member of staff for their attention.

This officer will investigate the complaint and speak to the people involved.

You will receive a written response to your complaint letting you know what action, if any, will be taken.

40. We will deal with your complaint as quickly as possible. However, in some cases, when complex issues are involved, it may take some time to complete the inquiries.

41. There may be other areas of concern which do not directly involve the school and do not need to be dealt with by the school. In such cases you are advised to telephone the Local Authority switchboard on 01432 260000 where your call will be directed to the relevant department.