ROBERT BLAIR PRIMARY SCHOOL

Complaints Policy and Procedure

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COMPLAINTS POLICY

i.) Legal Requirement to Establish Complaints Procedure

The governing body is required to establish procedures for dealing with all complaints relating to the school including the provision of facilities or services by the school.[1]

The Governing Body should ensure that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

ii.) Publication and Availability of the Policy and Procedure

The policy and procedure will be publicised[2] in one or more of the following ways:

- the school prospectus;
- any report/communication from the governors to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;
- the school website.

The school will also provide a copy of the policy and procedure to any person upon request.

iii.) Regard to Guidance from the Secretary of State

This policy and procedure has been created having regard to the guidance produced by the Secretary of State.[3]

iv.) Governing Body Monitoring, Reporting and Review

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement.

The monitoring and review of complaints by the school and the GB can also be a useful tool in evaluating a school's performance.

<u>Scheduled Review and Updated Guidance from the DfE</u>

The Policy and Procedure will be reviewed every 3 years but any governor with any concerns about its operation can request that it is reviewed at any time.

The Policy and Procedure will also be reviewed in the event that new guidance or legislative changes are introduced by the Department for Education.

[1] ss. 29(1)(a) and 39 of the *Education Act 2002*.
[2] s. 29(1)(b) of the *Education Act 2002*.
[3] s. 29(2) of the *Education Act 2002* and DfE School complaints toolkit 2014.

Governing Body Monitoring

The level and nature of complaints will be reported to the Governing Body as part of the Governing Body's role in overseeing the operation of the school.

However, the details of an unresolved complaint or a complainant's information must not be discussed by the Governing Body in case a Complaints Committee meeting needs to be held.

Governing Body Reporting and Review

The outcomes of complaints will be reported to the Governing Body for review so that the Governing Body can:

- examine the effectiveness of the Complaints Policy & Procedure and consider any improvements; and
- identify any issues that need to be addressed and consider any improvements to school policies or procedures.

v.) Local Authority (LA) Reporting

The School may be requested to provide statistics on complaints so that overall monitoring can be carried out to advise all schools and the authority on improvements to practice.

The LA may also require details of any complaint and its consideration in order to answer formal enquiries from the Department for Education or others. The school will be consulted before any response to such enquiries is made.

vi.) Advice and support from Islington Council Governor Services

Advice to Headteachers and governors on the handling of complaints is available from the Islington Council Governing Body Services section for the schools that buy into this service.

vii.) Establishing a Committee to Hear Complaints and Lead Governor

The Governing Body will establish a Committee of Governors to hear any complaints made. All members of the governing body that are not members of staff should be a part of this Committee.

viii.) Informal Concerns

Staff should be trained in how to deal with informal concerns when they are approached by people with such concerns.

If informal concerns are taken seriously, it can help to resolve issues on the spot and reduce the number of concerns that turn into complaints.

Because the aim of the complaints procedure is to resolve a complaint and achieve reconciliation between the school and the complainant, attempts to resolve a complaint with the complainant can and should occur at any stage during the procedure.

COMPLAINTS PROCEDURE

A. Who can make a complaint?

The right to make a complaint is not limited to parents or carers of pupils registered at the school. A complaint can be made by a member of the wider community or a person representing an ex-pupil.

B. What can a person complain about?

A person can make a complaint about most areas of the school including any community facilities or services the school provides.

However, a person cannot make a complaint in relation to the following areas which have a separate procedure which must be used:

- Collective worship
- Staff grievances
- Disciplinary Procedures
- SEND
- Suspensions

C. Stages

The Complaints Procedure has the following Stages:

- STAGE 1 – HEADTEACHER
- STAGE 2 – CHAIR OF GOVERNORS
- STAGE 3 – GOVERNING BODY COMPLAINTS COMMITTEE MEETING

D. Complaints against the Headteacher

Any Complaints against the actions of the Headteacher should be made to the Chair of Governors using the complaints form and the complaint will begin at Stage 2 of the Procedure.

E. Complaints against the Chair

Any complaints against the Chair of Governors should be referred to the Clerk of the governing body using the complaints form. The complaint will be dealt with by the Vice-Chair of Governors and will begin at Stage 2 of the Procedure.

F. Complainant's Right to Confidentiality

All people involved in the complaints process must respect the complainant's right to confidentiality.

1. STAGE 1 – HEADTEACHER

Contacting the Headteacher to discuss Issue or Complaint

1.1. The complainant should contact the Headteacher to discuss their complaint in person, by telephone or in writing.

1.2. The complainant should be provided with a copy of the Complaints Procedure and the procedure should be explained to the complainant.

1.3. The Headteacher or a delegated staff member should ensure that the complainant completes and signs the complaint form (**Appendix D**). The Headteacher or a delegated staff member may assist the complainant with the completion of the form but the complainant must sign the form to signify that they agree with the information detailed in the form.

1.4. The Headteacher or a delegated staff member should acknowledge receipt of the complaint.

1.5. If the Complaint is about the Headteacher, the complainant should complete the complaint form (**Appendix D**) and contact the Chair to discuss their issue or complaint (the procedure will then begin at stage 2).

Contact with Islington Council

1.6. Complainants who contact Islington Council directly will be advised of the school's complaints procedure and advised to discuss the matter with the Headteacher first.

1.7. Unless the complainant wishes otherwise, the Headteacher will be informed of the concern raised and asked to contact the complainant to seek a resolution through the school's complaints procedure.

1.8. If it is clear that the complaint is about the Headteacher, the complainant will be advised of the school's complaints procedures and advised to complete a complaint form (**Appendix D**) and contact the Chair of Governors (see stage 2).

1.9. Unless the complainant wishes otherwise, the Clerk will inform the Chair and the Headteacher of the concern raised and ask the Chair to seek a resolution through the school's complaints procedure.

Investigation

1.10. The Headteacher may personally carry out an investigation or commission an investigation by another person such as a senior member of staff, a governor or an independent person.

1.11. Any investigation will be carried out in accordance with the procedure detailed in **Appendix A** within ten (10) school days of the complaint being received.

1.12. The timescale for completing any necessary investigations can be extended by notifying the complainant in writing of the extension and the reason for the extension.

Meeting between Complainant and Head

1.13. Within three (3) school days of the completed initial investigation or further investigation, the Headteacher will contact the complainant to arrange a meeting.

1.14. The Headteacher will then meet with the complainant with the aim of resolving the complaint and achieving reconciliation between the school and the complainant using the Resolution Principles listed in **Appendix B**.

1.15. The Headteacher will attempt to address all the points at issue and provide an effective response and appropriate redress bearing in mind what the complainant says will resolve the issues.

1.16. Following the meeting with the Headteacher the complainant will be informed in writing by the Headteacher of:

- any agreed outcomes from the meeting;
- any action taken or proposed to be taken to resolve the complaint; and
- the complainant's right to submit a written request to have the complaint referred to the Chair for further consideration if the complainant is still dissatisfied.

1.17. The Headteacher will record the action taken and ensure that all records of the matter are stored centrally.

1.18. In the event of a written request being submitted to refer to the matter to Stage 2, the Headteacher will ensure all records are forwarded to the Chair.

Next Stage

1.19. If a complainant is dissatisfied with the Headteacher's response, the complainant can submit a written request to have the complaint referred to the Chair for further consideration (Stage 2).

1.20. If a complaint form (**Appendix D**) has not been completed for any reason, a complaint form should be completed and signed by the complainant to be provided to the Chair of Governors for Stage 2.

2. STAGE 2 – CHAIR OF GOVERNORS

Matters Referred from Stage 1

2.1. If following Stage 1 a complainant is dissatisfied with the Headteacher's response and has submitted a written request (and a complaint form has been completed), the complaint will be referred to the Chair for consideration.

2.2. The Chair should acknowledge receipt of the written request.

Complaints about the Headteacher or Chair

2.3. If the complaint has not been referred from Stage 1, the complainant should be provided with a copy of the Complaints Procedure and the procedure should be explained to the complainant.

2.4. If the complaint is about the Headteacher, the complainant must complete and sign a complaint form (**Appendix D**) to be provided to the Chair.

2.5. If the complaint is about the actions of the Chair, the complaint must be made using the complaint form (**Appendix D**) and provided to the Clerk. The complaint will then be referred to the Vice-Chair who will carry out Stage 2 of the Complaints Procedure as if s/he was the Chair and as if the complaint was about the Headteacher.

2.6. The person receiving the complaint should acknowledge receipt of the complaint.

Investigation of Matters Referred from Stage 1

2.7. If the Chair feels that further investigation is necessary, the Chair may:

- personally carry out a further investigation; or
- request that the Headteacher carry out a further investigation; or
- commission a further investigation by another person such as a senior member of staff, a governor or an independent person.

2.8. Any further investigation should be carried out in accordance with the procedure detailed in **Appendix A** within ten (10) school days of the complaint being referred to Stage 2.

2.9. The timescale for completing any further investigations can be extended by notifying the complainant in writing of the extension and the reason for the extension.

Investigation of Complaints against the Headteacher

2.10. If the complaint is in relation to the Headteacher, the Chair may personally carry out an investigation or commission an investigation by another person such as a senior member of staff, a governor or an independent person.

2.11. Serious consideration should be given to engaging an independent person to act as an investigating officer to ensure that a full, fair and impartial investigation is conducted. The Islington Council Governor Services section may be able to offer assistance with this.

2.12. Any investigation will be carried out in accordance with the procedure detailed in **Appendix A** within ten (10) school days of the complaint form being received.

2.13. The timescale for completing the investigation can be extended by notifying the complainant in writing of the extension and the reason for the extension.

Meeting between Complainant and Chair

2.14. Within three (3) school days of the completed investigation, the Chair will contact the complainant to arrange a meeting.

2.15. The Chair will then meet with the complainant with the aim of resolving the complaint and achieving reconciliation between the school and the complainant using the Resolution Principles listed in **Appendix B**.

2.16. The Chair will attempt to address all the points at issue and provide an effective response and appropriate redress bearing in mind what the complainant says will resolve the issues.

2.17. Following the meeting with the Chair the complainant will be informed in writing by the Chair of:

- any agreed outcomes from the meeting;
- any action taken or proposed to be taken to resolve the complaint; and
- the complainant's right to submit a written request to have the complaint referred to the Governing Body Complaints Committee for consideration through the Clerk if the complainant is still dissatisfied.

2.18. The Chair will record the action taken and ensure that all records of the matter are stored centrally.

2.19. In the event that the matter is referred to Stage 3, the Chair will ensure that all records are provided to the Clerk and the Chair of the Complaints Committee.

Next Stage

2.20. If a complainant is dissatisfied with the Chair's response, the complainant can write to the Clerk to request that the complaint be referred to the Governing Body Complaints Committee meeting for further consideration (Stage 3).

3. STAGE 3 – GOVERNING BODY COMPLAINTS COMMITTEE MEETING

PRE-MEETING PROCEDURE

Clerk to Send Acknowledgement and Confirmation

3.1. When a written request for a matter to be referred to the Governing Body Complaints Committee is received by the Clerk, the Clerk will send a letter to the complainant:

- acknowledging receipt of the complaint;
- confirming that the timescale for convening the meeting is twenty (20) school days which is subject to extension; and
- advising of the relevant timeframes in which documentation for the meeting and the names of witnesses must be provided to the Clerk/Chair of the Complaints Committee.

Convening the Meeting

3.2. The Clerk to Governors will then convene a meeting of three (3) or five (5) Complaints Committee members within twenty (20) school days.

3.3. The timescale for convening the meeting can be extended by notifying the complainant in writing of the extension and the reason for the extension.

Committee Members to be Independent and Impartial

3.4. No governor may be a part of the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it to ensure that the meeting is independent and impartial and that it is seen to be so.

Clerk to Arrange and Notify Complainant of Meeting

3.5. The Clerk will liaise with all parties to find a suitable date, time and venue that is convenient and accessible to all parties.

3.6. The Clerk will then notify the complainant of the date, time and location of the meeting in writing at least 10 working days before the meeting.

3.7. The correspondence should also provide a copy of the complaints procedure.

Further Investigation

3.8. If the Committee feels that further investigation is necessary, the Committee may:

- request that the Headteacher carry out a further investigation; or
- commission a further investigation by another person such as a senior member of staff, a governor or an independent person.

3.9. Any further investigation should be carried out in accordance with the procedure detailed in **Appendix A** within ten (10) school days of the complaint being referred to Stage 3.

3.10. The timescale for completing any further investigations can be extended by notifying the complainant in writing of the extension and the reason for the extension.

Investigation Report

3.11. If any investigation report has been prepared by the Headteacher or another person, it should be available seven (7) working days before the meeting for circulation.

Submission of Documents by Complainant

3.12. If the complainant wishes to submit a written statement or refer to any additional documents in his/her possession, copies should be sent to the Clerk seven (7) working days before the date of the meeting so that sufficient copies can be made available to the Complaints Committee meeting.

Meeting Papers

3.13. Any papers to be considered at the meeting should be made available to the Committee and to the complainant and Headteacher at least three (3) days before the meeting.

3.14. Members of the Committee should not discuss the meeting papers or details of the complaint with other people prior to the meeting.

Witnesses

3.15. The names of any witnesses to be called by the complainant or Headteacher should be notified to:

- the Clerk – seven (7) working days before the meeting; and
- the Committee, the complainant and the Headteacher – at least three (3) days before the meeting.

Private Meeting

3.16. The meeting will be held in private bearing in mind the complainant's right to confidentiality.

Reconciliation as Aim of the Meeting

3.17. The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant. Governors should seek to remedy matters wherever possible.

3.18. The Committee should have regard to the Resolution Principles listed in **Appendix B** during the meeting.

Meeting Setting

3.19. The Clerk should meet and welcome the parties as they arrive at the meeting and the Committee Chair should ensure that the proceedings are as welcoming as possible.

3.20. The Committee Chair should ensure that care is taken when laying out the room to make the setting informal and not adversarial so that complainants and witnesses are put at ease and do not feel nervous discussing issues that may be emotional.

3.21. The Committee Chair should ensure that the meeting to hear the complaint is carried out as informally as possible with each party treating the other with respect and courtesy.

Children at meetings

3.22. Where a parent is complaining about an issue that relates to his/her child, the Committee Chair should provide the parent with the opportunity to say which parts of the meeting, if any, the child needs to attend.

3.23. Where the child is the complainant or is giving evidence, the Committee should give careful consideration to the atmosphere and proceedings to ensure that the child does not feel intimidated.

3.24. The committee should also be aware of the views of any children involved in the proceedings and give them equal consideration to those of adults.

Adjournment

3.25. The introduction of previously undisclosed evidence or witnesses can be a reason to adjourn the meeting so that the other side has the time to consider the situation.

3.26. For complaints that are complex, involve voluminous material or take a long time to hear, the committee may make any necessary adjournments and reconvene at a later date or dates.

Meeting Procedure

3.27. The relevant procedure that should be used for the conduct of the meeting is contained in **Appendix C**.

Committee Remit

3.28. The Committee 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.

POST-MEETING PROCEDURE

Notification of the Committee's Decision

3.29. The Chair of the Committee will write to inform the complainant:

- of the decision to uphold or dismiss the complaint in whole or in part;
- of the reasons for the decision;
- of any key findings of fact;
- of any action taken or proposed to be taken to resolve the complaint;
- of any recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur;
- that the decision of the committee is the final school based stage in the Complaints Procedure and that no further consideration of the substance of the complaint is possible; and
- that the complainant can appeal to the Secretary of State in relation to:
    - the compliance of the school's policies with education legislation; or
    - the school's adherence to the complaints procedure;

  by writing to: The School Complaints Unit, Department for Education, 2nd Floor, Piccadilly Gate, Manchester, M1 2WD

3.30. The Chair will write to the complainant within five (5) business days of the end of the meeting.

3.31. For complaints that are complex or involve voluminous material, the timescale for informing the complainant of the committee's decision can be extended by notifying the complainant in writing of the extension.

Record of the Proceeding

3.32. The Committee Clerk will be responsible for recording the minutes of the proceeding and will send the draft minutes to all parties within twenty (20) school days after the meeting to provide the parties with the opportunity to agree the minutes or challenge any part of the minutes.

3.33. The Committee Clerk will ensure that all records of the matter are stored centrally and that the outcome of the complaint and any changes to the school's systems or procedures are communicated to the Governing Body.

Next and Final Stage of Appeal

3.34. The final stage of appeal is to the Secretary of State for Education through the School Complaints Unit at the Department for Education.

3.35. Complainants should note that the department **will not re-investigate the substance of the complaint** as this remains the responsibility of schools.

3.36. The School Complaints Unit will:

- examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out; and
- examine policies to determine if they adhere to education legislation.

3.37. If a Complainant feels that relevant school policies do not adhere to education legislation or that the school did not properly follow the complaints policy and procedure, the complainant can write to:

The School Complaints Unit
Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD

APPENDIX A

INVESTIGATION

Procedure for Person Investigating a Complaint

Any person investigating a complaint should adhere to the following procedure:

- 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 contact them (if unsure or further information is necessary);
- 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 or arrange for an independent note taker to record minutes of the meeting.

APPENDIX B

RESOLUTION PRINCIPLES

- Identify areas of agreement
- Clarify any misunderstandings
- Encourage complainants to state what actions they feel might resolve the problem at any stage
- Offering one or more of the following may result in a resolution of the matter:
    - an acknowledgment that the complaint is valid in whole or in part;
    - an apology;
    - an explanation;
    - an admission that the situation could have been handled differently or better (this is not the same as an admission of negligence);
    - 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.

APPENDIX C

PROCEDURES FOR CONDUCT OF THE MEETING

Set out below is a procedure that the Committee can follow for the conduct of the meeting:

a) Prior to the meeting, the Committee will:
- nominate a Committee Chair
- consider whether the setting is sufficiently informal and whether every effort has been made to put complainants and witnesses at ease; and
- consider any issues with children being involved in the proceedings.

b) At the beginning of the meeting the Committee Chair will:
- welcome the parties to the meeting;
- confirm that no committee member has had any previous involvement in the matter;
- explain the remit of the committee to the parties;
- explain that the aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant;
- explain that Stage 3 is the final school based stage of the procedure and no further consideration of the substance of the complaint will be possible; and
- ensure that all written material has been received and seen by all parties.

c) The complainant shall explain the nature of her/his complaint and may submit a written statement, to the meeting.

d) The Headteacher and the Committee may question the complainant about the complaint and why it has been made. The Headteacher and the Committee should bear in mind the Resolution Principles in **Appendix B** and in particular the consideration of what actions the complainant feels may resolve the complaint.

e) If any investigation report has been produced at the request of the Chair of Governors by the Headteacher (or another person) it will be considered. If the report is produced by a person other than the Headteacher, the person may be present at the meeting and answer questions of clarification for the complainant, the Headteacher and Committee. Otherwise the Headteacher will respond to the complaint.

f) The complainant and the Committee may question the Headteacher about her/his response to the complaint.

g) The Committee, the Headteacher and the complainant shall have the right to call witnesses where there are disputes as to the fact. Witnesses are only required to attend for the part of the meeting in which they give their evidence.

h) The Committee, the Headteacher and the complainant shall have the right to question any such witnesses.

i) If a new issue arises the Committee Chair should ensure that all parties are given the opportunity to consider and comment on it.

j) The complainant may make a final statement.

k) The Headteacher may make a final statement.

l) The Chair of the Committee shall explain that the complaint will now be considered and a decision reached which will be notified to the complainant and the Headteacher in writing.

m) The complainant and the Headteacher will then leave the meeting.

n) The Committee will consider the complaint and the cases made by the complainant and Headteacher and:

- decide whether to uphold or dismiss the complaint in whole or in part and the reasons for that decision ensuring that all issues are addressed;
- make any key findings of fact;
- decide on any appropriate action to be taken to resolve the complaint; and
- recommend any changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

o) Notification of the decision will be sent to the complainant and to the Headteacher in writing.

p) The letter sent to the complainant informing her/him of the decision concludes this stage of the procedure.

APPENDIX D

COMPLAINT FORM

Please complete and return to the school office for referral as follows:

- General Complaints are referred to the Headteacher and begin at Stage 1;
- Complaints against the Headteacher are referred to the Chair of Governors and begin at Stage 2 of the Complaints Procedure; and
- Complaints against the Chair of Governors are referred to the Vice-Chair of Governors and will begin at Stage 2 of the Complaints Procedure.

If there is insufficient space for any items, please attach additional pages as required.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Day time 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:**