

Complaints: Policy and Procedures

September
2016

At Banks Road Infant and Nursery School our aim is to provide learning experiences of the highest quality. We want all children to become successful learners, make good progress and attain as highly as they are able, whilst fostering curiosity and enjoyment in the world around them, developing a sense of belonging within the school community and enhancing self-esteem and confidence.



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Introduction to the Policy

To achieve this aim, we strive to:

- Create a happy, secure and welcoming atmosphere within a stimulating and challenging environment, which promotes effective learning
- Promote a feeling of family and community; through helping and sharing, through respecting and caring for others, by encouraging trust and openness between all members of the school community
- Forge partnerships with parents, by informing them about the curriculum and involving them in their children's learning and school together to ensure the welfare of every child.

CONCERN OR COMPLAINT?

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. At Banks Road we take informal concerns seriously and make every effort to resolve the matter as quickly as possible. However, there are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within the procedure.

Through our Complaints Policy, we recognise that there may be times when we are perceived as falling short of our own high expectations. In the spirit of trust and openness, which we aim to encourage, we take all complaints seriously. Complainants will be heard and their complaints will be rigorously investigated according to the procedures agreed by the Governing Body and encapsulated in this document.

All complaints that are received are seen as an opportunity to review existing school practice and procedures. Whilst complaints may be upsetting and unpleasant, it is important that we use them to consider our justification for our actions and consider whether changes would contribute to school improvement and effectiveness

CONFIDENTIALITY

Your complaint will be treated confidentially and will not be discussed with anyone not involved in the investigation of the complaint.

The details of any children or families cited within a complaint will not be disclosed to the complainant.

Complainants are expected to not discuss the details of their complaints publicly, this includes on social media, as this may prejudice the handling of their complaint.

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ROLES AND RESPONSIBILITIES

The investigation of complaints about the services or staff of the school is the responsibility of the Head Teacher as part of her operational remit.

It is the responsibility of the Governing Body to develop a complaints procedure and monitor its implementation and effectiveness. Much of this monitoring will be through the reports the Head Teacher gives to the Pupil and Personnel Committee at each termly meeting.

These Complaints Procedures can be viewed in three stages:

- ❖ Stage 1: In-school investigation of the complaint. This will generally be informal, arising from day-to-day matters, misunderstandings or clarification of action already taken and is undertaken by the Head Teacher or other members of staff as appropriate. Most complaints are satisfactorily dealt with at this stage. The Head Teacher will inform the Pupil and Personnel sub-committee in general terms of such action.
- ❖ Stage 2: If a complainant is dissatisfied after the Head Teacher's investigation, s/he can ask the Complaints Governor to make a judgement on the way the investigation has been carried out. The Complaints Governor will inform the full Governing Body in general terms if he becomes involved in a complaint. Any complaints against the Head Teacher will be investigated under Stage 2 by the Complaints Governor.
- ❖ Stage 3: If a complainant remains dissatisfied, a Complaints Panel of governors is convened and reviews the procedures followed by the Head Teacher and the Complaints Governor. The panel will also inform the full Governing Body in general terms if they become involved in a complaint. Complaints about the Chair of the Governing Board should be reported to the Vice-Chair of the Governing Board. Procedural advice and guidance will be sought from NCC Governor Services.

STATUTORY PROCEDURES

This Complaint Procedure covers all complaints about any provision of facilities or services that is provided by the School, with the exception of the following (for which there are separate, statutory, procedures):

Admissions, Child Protection, Drugs, Equalities, Exclusions, Health & Safety, Sex education, National Curriculum, Religious Worship, Special Educational Needs, Staff capability, Staff discipline, Staff grievance Whistleblowing, School re-organisation and complaints about other service providers.

SOURCES OF COMPLAINTS

Although it is mainly parents/carers who will make complaints, they may be received from other members of the public. Whatever the source, all complaints will be dealt with according to the agreed policy and procedures.

Complaints will generally be made directly to the school, to the class teacher or the Head Teacher, but on occasions will come via the Local Authority or solicitors.

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DEALING WITH COMPLAINTS; STAGES IN THE PROCEDURE

Receiving a complaint

In the first instance, a complaint may be received by a variety of people, including teaching staff, teaching assistants, the Head Teacher, the office staff and parent governors. In all cases, the Head Teacher should be informed in order to log the complaint and deal with it if necessary. Complaints should be made to the school as soon as possible (but no more than 3 months from the date the cause for complaint occurred) to enable adequate investigation of the matter. Exceptions to this timeframe will be considered but may not be granted

- ❖ When the **class teacher** receives a concern, she will deal with it if possible. Usually, these are the result of misunderstandings or matters that have already been dealt with (e.g. playtime upsets). The **class teacher** informs the **Head Teacher** as a matter of course.
- ❖ Should the person raising the concern not be happy with the response, the matter will then be dealt with as a complaint.
- ❖ When a **teaching assistant** or **member of the office** staff receive a complaint, they should refer the complainant to the Head Teacher and inform the Head Teacher straightaway.
- ❖ When a **governor** receives a complaint, they should refer the complainant immediately to the Head Teacher and inform the Head Teacher straightaway. If the complaint concerns the Head Teacher's conduct, then the Complaints Governor should be informed.

Dealing with the complaint; role of the Complaints Officer

The complaints officer for the school is the Head Teacher.

- ❖ When a complainant comes to make a complaint in person or on the telephone, they should always be offered the opportunity to discuss this with the Head Teacher straightaway.

On occasions when the Head Teacher is not in school, the complainant should be offered *either* an appointment as soon as the Head Teacher is available *or* the opportunity to discuss the complaint with the assistant Head Teacher. If the latter is chosen, the assistant head should be fetched and teaching assistants put into the class if necessary. The assistant head will then follow the same procedures as the Head Teacher.

- ❖ If the matter is deemed urgent and serious, the Head Teacher should be contacted if possible to support the assistant head.
- ❖ The complainant is given the opportunity to make their complaint in the privacy of the Head Teacher's office.
- ❖ The complainant will be asked to set out their desired resolution.

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- ❖ All complaints are logged, kept by the Head Teacher in her office. This ensures a record is kept of all incidents and enables the school to spot trends, repetitions, etc. The action taken, and responses if necessary, are also noted by the Head Teacher.
- ❖ The Head Teacher informs the complainant of the action she intends to take. This can involve speaking to other members of staff or pupils. These conversations are also logged (Witness statements).
- ❖ The Head Teacher will give a reasonable timeline in which to carry out her investigation before responding to the complainant.
- ❖ The timeline is dependent on the nature of the complaint; however, the Head Teacher aims to make contact with the complainant within 24 hours and in most cases this is achieved. The Head Teacher will endeavour to carry out her investigation and respond in full to the complainant within 5 school days. If she is unable to adhere to that timescale, she will keep the complainant informed of her progress and the reason for any delay.

Most complaints are successfully resolved by this stage. The notes taken by the Head Teacher of both the complaint and the investigation remain on file.

However, there may be rare occasions when a complainant feels that their concern has not been dealt with properly. At this point, the second stage of the procedures is initiated. The complainant can appeal to the Governing Body on two grounds; the Head Teacher's decision or the Head Teacher's method of handling the complaint.

- ❖ The Head Teacher and the complainant formally record the complaint, the action taken to investigate it and the decision reached by the Head Teacher for further action. Both parties sign this as an agreed record.
- ❖ The complainant is given a copy of the School complaints procedure for complainants (School Complaints Procedures)
- ❖ The Complaints Governor is informed by the Head Teacher. The details of the complaint will not be discussed with the remaining Governors; this is to ensure impartiality should the complaint proceed to Stage Three, a formal hearing.

Dealing with the complaint; the role of the Complaints Governor

The complaints governor for the school is the Chairman of the Governing Board.

The role of the Complaints Governor is not to re-investigate the complaint. Rather, it should be seen as part of the monitoring role of the Governing Board, assessing whether the correct procedures have been followed.

It is vital that the Complaints Governor does not discuss the complaint or the investigation with any other members of the Governing Board, as they may be involved later in the process. If the Complaint Governor requires support, he should seek it from the Local Education Officer or Governor Services Officer.

- ❖ The Complaints Governor will receive all paperwork regarding the original complaint.

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- ❖ He will write to the complainant giving a timeline for his review of the process
- ❖ He will meet with the Head Teacher to ascertain whether the correct procedures have been followed (Complaints Governor Monitoring)
- ❖ **After consideration, the Complaints Governor will reach a decision, either**
 1. that the matter has been treated seriously and dealt with properly, or
 2. that there remain concerns regarding the outcome or process of the original investigation.
- ❖ If the Complaints Governor believes that the complaint has been dealt with properly, he should inform the complainant of this decision in writing
- ❖ If, however, he adopts the latter view, he can request that the Head Teacher re-opens the investigation and undertakes a more thorough consideration. The Head Teacher must then report the fresh outcome(s) to the Complaints Governor within an agreed timeline.
- ❖ The Governor and Head Teacher should agree the outcome and the Governor should inform the complainant.
- ❖ Should the Complaints governor consider that there has been a dereliction of duty by the Head Teacher, he must decide whether disciplinary action is necessary.
- ❖ The Complaints Governor should aim to complete his investigation within 20 school days. If he is unable to adhere to that timescale, he should keep the complainant informed of his progress and the reason for any delay.

If after this process, the complainant is still dissatisfied with the **process**, they have the right to appeal to the Complaints Panel of the Governing Body.

Dealing with the complaint; the role of the Complaints Panel

The Complaints Panel is an independent panel of three governors from the Governing Body, who have had no part in the previous proceedings. Their role is to decide whether

1. the complaint has been investigated properly and/or
 2. the action taken was appropriate
- ❖ The panel is convened by the Chairman of Governors no more than 5 school days after the complainant expresses their continued dissatisfaction.
 - ❖ The Panel Chair may appoint a Local Authority Clerk. The Clerk will communicate with the complainants and the Panel Chair to convene a suitable date for a formal hearing.
 - ❖ The Clerk will request that all relevant parties provide any supporting documentation to the Hearing Panel for consideration not later than 10 school days prior to the hearing date.
 - ❖ The Hearing is formally recorded, and the minutes are deemed confidential.

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- ❖ In order to inform the panel’s decision, the complainant, Head Teacher and complaints governor present their views to the panel. Witnesses may be included in the proceedings if deemed necessary.
- ❖ The complainant will be invited to speak first, followed by their witnesses. The Head Teacher is then invited to explain the school’s actions, followed by the school’s witnesses. Lastly the Complaint Governor will be invited to talk about his investigation and findings. The panel may ask questions of any party at any point.
- ❖ The panel will discuss the complaint and the information presented in private. It is the role of the panel to examine what the school should have done against what the school did do and determine if the school has acted correctly. If it is found that the correct procedures were not followed, the panel must consider why that was so and determine what should be done to put it right.
- ❖ The decision of the panel is final. The Clerk will inform the complainant, the Head Teacher and the Complaints Governor of the Panel’s decision, in writing, within five school days.

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. The Governors will consider the request but ultimately, the decision is made by the Governing Body.

Secretary of State Review

If a complaint has completed all the local procedures (described above) and the complainant remains dissatisfied, they have the right to appeal to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Board has acted unlawfully or unreasonably and where it is expedient or practical to do so.

Further information can be obtained from the School Complaints Unit by going online at www.education.gov.uk/help/contactus, by calling the National Helpline on 0370 000 2288 or by writing to Department for Education, School Complaints Unit, 2nd Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD.

Unreasonable Complainants Policy

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However there are occasions when complainants behave in an unreasonable manner when raising or pursuing their concerns. The consequences are that the actions of the complainant begin to negatively impact the day-to-day running of the school and directly, or indirectly, the overall well-being of the children. In these circumstances the Schools ‘Policy for dealing with unreasonable complainants’ may be instigated.

Recording, Monitoring and Reporting

All formal complaints will be recorded on a database and reported to the Senior Management Team and to the Governing Board termly. The report will identify the number,

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nature and current status of complaints handled (without giving individual details) and will report the lessons learnt and changes made as a result of complaints.

In addition the Chair of the Complaints Panel will report to the Full Governing Board the outcome of complaints at the end of the Complaints Panel stage.

Policy Review

This policy will be reviewed annually by the Senior Management Team and the Governing Board.

Training

Relevant staff have received training with regard to handling concerns and complaints appropriately.

All Governors are invited to attend the Governors training session on Handling Complaints. The Chair of Governors and the Panel Chair will have completed this training.

Reviewed F&P Oct 2013

Reviewed and updated Pupil and Personnel Committee: November 2014

Reviewed and updated Pupil and Personnel Committee: September 2016

COMPLAINT PROCEDURE

Concerns

Concerns will generally be informal, arising from day-to-day matters, misunderstandings or clarification of action already taken and is undertaken by the Head Teacher or other members of staff as appropriate.

	ACTION	DEADLINE	COMPLETE
1.	When the class teacher receives a concern she will deal with it, if possible on the same school day.		
2.	The class teacher informs the Head Teacher as a matter of course.		
3.	Should the person raising the concern not be happy with the response, the matter will then be dealt with as a complaint.		

Stage 1

The Head Teacher is the Complaints Officer. However on occasions when she is not in school, or it is deemed more appropriate, the Head Teacher may delegate the role of Complaints Officer to an Assistant Head Teacher.

DATE COMPLAINT RECEIVED	
5 SCHOOL DAY DEADLINE	
EXTENSION TO DEADLINE NOTIFIED	

	ACTION	DEADLINE	COMPLETE
1.	Complaints Officer will discuss the complaint with the complainant in private and in person on the same day that the complaint is received.		
2.	The complainant is asked to set out their desired resolution.		
3.	The complaint will be logged on the Complaint Database.		
4.	The Complaints Officer will acknowledge receipt of the complaint in writing within 1 school day. The letter will inform the complainant of the action she intends to take, and provide a timescale for her investigation.		
5.	The Complaints Officer will carry out her investigation and respond to the complainant within 5 school days.		
6.	If the Complaints Officer is unable to adhere to that timescale, she will keep the complainant informed of her progress and the reason for any delay.		
7.	The Head Teacher will record the outcome of the complaint and report it to the Senior Management Team and the Governing Board.		

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Stage 2

If a complainant is dissatisfied after the Head Teacher's investigation, they can ask the Complaints Governor to make a judgement on the way the investigation has been carried out. The complaints governor for the school is the Chairman of the Governing Board.

DATE COMPLAINT RECEIVED	
20 SCHOOL DAY DEADLINE	
EXTENSION TO DEADLINE NOTIFIED	

	ACTION	DEADLINE	COMPLETE
1.	Complaints Governor will inform the full Governing Body in general terms if he becomes involved in a complaint. The Complaints Governor does not discuss the complaint or the investigation with any other members of the Governing Board, as they may be involved later in the process.		
2.	The Complaints Governor will write to the complainant giving a timeline for his review of the process, within 3 school days following receipt of the complaint.		
3.	The Complaints Governor will receive all paperwork regarding the original complaint from the Head Teacher within 2 school days of his request.		
4.	The Complaints Governor will meet with the Head Teacher to ascertain whether the correct procedures have been followed.		
5.	After consideration, the Complaints Governor will reach a decision, either that the matter has been treated seriously and dealt with properly, or that there remain concerns regarding the outcome or process of the original investigation.		
6.	If the Complaints Governor believes that the complaint has been dealt with properly, he should inform the complainant of this decision in writing		
7.	If the Complaints Governor determines that concerns remain regarding the outcome or process of the original investigation, he can request that the Head Teacher re-opens the investigation and undertakes a more thorough consideration. The Head Teacher must then report the fresh outcome(s) to the Complaints Governor within an agreed timeline.		
8.	The Governor and Head Teacher should agree the outcome and the Governor should inform the complainant.		
9.	Should the Complaints Governor consider that there has been a dereliction of duty by the Head Teacher, he must decide whether disciplinary action is necessary.		
10.	The Complaints Governor should aim to complete his investigation within 20 school days. If he is unable to adhere to that timescale, he should keep the complainant informed of his progress and the reason for any delay.		

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Stage 3

If a complainant remains dissatisfied, a Complaints Panel will be convened. The Panel will consist of three governors from the Governing Body, who have had no part in the previous proceedings. The Panel will review the procedures followed by the Head Teacher and the Complaints Governor.

DATE COMPLAINT RECEIVED	
5 DAY DEADLINE - CONVENE HEARING	
HEARING DATE	
10 DAY DEADLINE PRIOR TO HEARING	
3 DAY DEADLINE - DECISION NOTIFICATION	

	ACTION	DEADLINE	COMPLETE
1.	The Panel is convened by the Chairman of Governors no more than 5 school days after the complainant expresses their continued dissatisfaction.		
2.	The Panel Chair may appoint a Local Authority Clerk, who will communicate with the complainants and the Panel Chair to convene a suitable date for a formal hearing.		
3.	The Clerk will request that all relevant parties provide any supporting documentation to the Hearing Panel for consideration not later than 10 school days prior to the hearing date; and distribute to all parties accordingly.		
4.	At the Hearing the Hearing Protocol is followed and the Clerk formally records confidential minutes.		
5.	The role of the Panel is to decide whether the complaint has been investigated properly and/or the action taken was appropriate.		
6.	The Clerk will inform the complainant, the Head Teacher and the Complaints Governor of the Panel's decision, in writing, within three school days.		

Secretary of State Review

If a complaint has completed all the local procedures (described above) and the complainant remains dissatisfied, they have the right to appeal to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Board has acted unlawfully or unreasonably and where it is expedient or practical to do so.

	ACTION	DEADLINE	COMPLETE
1.	Head Teacher to report to the Governing Board if a review decision is notified by the Secretary of State.		

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HEARING PROTOCOL

In order to inform the panel's decision, the complainant, Head Teacher and complaints governor separately present their views to the panel. Witnesses may be included in the proceedings if deemed necessary.

	ACTION	DEADLINE	COMPLETE
1.	The Clerk will set a date for the Hearing to take place, within 20 school days following receipt of the complaint.		
2.	At least 10 days prior to the Hearing Date, the Clerk will distribute any relevant paperwork and submissions to all parties involved in the Hearing process.		
3.	At the Hearing, the Governor acting as Chair of the Complaints Panel will welcome the individual parties separately to the Hearing, make the necessary introductions and explain the purpose of the Hearing.		
4.	The parties will be heard in the following order: 1. Complainant(s) followed by their witnesses if required 2. Head Teacher / Complaints Officer 3. Complaints Governor 4. Any other witnesses The Panel may ask questions of any party at any point.		
5.	All parties leave the room after presenting their views, but should be prepared to be recalled by the Panel for further discussion should it be deemed necessary.		
6.	The parties will be notified that the decision of the Panel is final and that they will receive the decision in writing within five school days.		
7.	The Panel will deliberate its decision in private. It is the role of the panel to examine what the school should have done against what the school did do and determine if the school has acted correctly. The purpose of the Hearing is to determine whether: 1. the Complaints Officer has dealt with the complaints process correctly; 2. the Complaints Officer has properly investigated the complaint; and 3. the action taken was appropriate.		
8.	If it is found that the correct procedures were not followed, the panel must consider why that was so and determine what should be done to put it right.		
9.	The Clerk will inform the complainant, the Head Teacher and the Complaints Governor of the Panel's decision, in writing, within five school days.		