

Complaints Procedure

1. DEALING WITH COMPLAINTS - INITIAL CONCERNS

There is a difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

Concerns ought to be handled, if at all possible, without the need for formal procedures, using efforts to respond to the concern informally. In most cases the class teacher or key worker will receive the first approach. If staff are able to they can resolve any issues on the spot, including apologising where necessary. If a governor is approached they should not get involved in the complaint but should refer the complaint to the class teacher as outlined in the policy.

2. DEALING WITH COMPLAINTS - FORMAL PROCEDURES

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.

3. FRAMEWORK OF PRINCIPLES

An effective Complaints Procedure will:

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible and 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.

4. INVESTIGATING COMPLAINTS

At each stage, the person investigating the complaint should make 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 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;

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- Keep notes of the interview.

5. RESOLVING COMPLAINTS

5.1 It is important to keep in mind ways in which a complaint can be resolved. It may 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 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.

5.2 It is useful to encourage the complainant to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

5.3 It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss the outstanding issues.

6. STAGES OF THE COMPLAINTS PROCEDURE

6.1 Stage 1: Complaint Heard by Staff Member or Headteacher

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. At the first point of contact the complaint may be heard by the class teacher. If the complaint is not resolved by the class teacher then the complainant will be referred to the headteacher.

If the complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff, then the person concerned can be referred to the headteacher. Where the complaint concerns the headteacher, the deputy head can refer the complainant to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the head or assistant head may consider dealing with this. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the head teacher and advise them about the procedure. Governors should not

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be involved at the early stages in case they are needed to sit on a panel at a later stage in the procedure.

6.2 Stage 2: Complaint Heard by Chair of Governors

If the complainant is unhappy that the complaint has not been resolved by the Headteacher they may request that their complaint be considered by the Chair of Governors. At this point it will need to be in writing. The Chair of Governors will investigate the complaint and convey the outcome to the complainant.

6.3 Stage 3: Complaint Heard by Governing Body's Complaints Committee (Pro-forma at end of Policy to be used)

If the complainant feels that the complaint still hasn't been resolved, the complainant needs to **write** to the Governor's Complaints Committee giving details of the complaint. The Chair, or a nominated governor, would acknowledge receipt of the letter within a 7 day period and would ask the clerk to convene a Governing Body Complaints Committee meeting. This meeting should, wherever possible, take place within three weeks (excluding holidays) of dispatch of the acknowledgement letter unless a longer period (perhaps to arrange suitable dates or collate information) is necessary in which case the chair must inform the complainant the reason for the delay.

The Governors' Complaints Committee is the last school-based stage of the complaints process, and is not convened merely to rubber stamp previous decisions.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body has a complaints committee consisting of three members (with reserves) with delegated powers to hear complaints at that stage, and set out its terms of reference.

These can include:

- Drawing up its procedures;
- Hearing individual appeals;
- Making recommendations in policy as a result of complaints.

The complainant and the person who is the subject of the complaint (if appropriate) should be permitted to bring a supporter (friend, spouse, union rep etc) should they so choose.

7. THE REMIT OF THE COMPLAINTS COMMITTEE

7.1 The panel 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;

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- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

7.2 There are several points which any governor sitting on the complaints panel needs to remember:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it.
- b) The aim of the meeting, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish facts and to make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcome as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d) The governors sitting on the committee need to be aware of the complaints procedure. A teacher or staff governor will not sit on the panel.
- e) The governors will review the complaints procedure every three years.

8. ROLES AND RESPONSIBILITIES

8.1 The Role of the Clerk

It is important that the complaints committee meeting which is considering the complaints should be clerked. The clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the meeting, ensuring the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the meeting;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Notify all parties of the panel's decision.

It is important that the clerk, if they are not a member of the committee, does not influence in any way the decision taken by the committee and this must be seen to be impartial at all times.

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8.2 The Role of the Chair of the Governing Body

The chair of the Governing Body shall:

- Check the correct procedure has been followed;
- If a hearing is appropriate, notify the clerk of the complaints committee to arrange the meeting.

8.3 The Role of the Chair of the Committee

The Chair of the Committee has a key role, ensuring that:

- The remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The meeting is conducted in an informal manner with each party treating the other with respect and courtesy;
- The committee is open minded and acting independently;
- No member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

8.4 Notification of the Panel's Decision

The chair of the committee needs to ensure that the complainant is notified of the decision, in writing, outlining the committees response; this will be within seven working days of the meeting. The letter needs to explain that the complainant can contact the Children's Secretary if they wish to pursue the matter (0370 000 2288). The whole process from receipt of the initial complaint should be a maximum of 28 days.

9. MANAGING AND RECORDING COMPLAINTS

9.1 Recording complaints

A complaint may be made in person, by telephone or in writing. At the end of the meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of the meetings and telephone calls can be kept and a copy of any written response added to the record. A written record of formal complaints and their outcome should be kept for at least 3 years.

The records should be held centrally in the head's office.

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10. GOVERNING BODY REVIEW

The Governing Body will monitor the level and nature of complaints that have gone beyond the Headteacher to the Chair of Governors or the complaints committee and these will be reported at the meeting of the full governing body. Outcomes will be reviewed on a regular basis to ensure the effectiveness of the procedure and to make changes where necessary. Complaints information shared with the whole governing body will not name individuals.

As well as addressing individual complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the governing body can be a useful tool in evaluating school's performance.

It is a legal requirement for the Complaints Procedure to be publicised and at Market Drayton Infants this will be included on the website.

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CHECKLIST FOR COMPLAINTS COMMITTEE MEETING

- The meeting is as informal as possible.
- Witnesses are only requested to attend for the part of the meeting in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The committee may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the committee decides on the issues.
- The chair explains that both parties will hear from the panel as soon as possible but in any event within a seven day period.

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Please complete and return to Sam Scott (Headteacher) who will acknowledge receipt and explain what action has been taken.

Your name:

Pupil's name:

Your relationship to the pupil:

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)?

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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:

Official use

Date complaint received:

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: