



# PINNER PARK INFANT & NURSERY SCHOOL

## COMPLAINTS POLICY and PROCEDURE

### Introduction

The school strives to have a good relationship with all stakeholders, however, we do recognise that on occasions, concerns or difficulties arise. These can usually be resolved quickly and amicably by speaking to the right person, investigating and reporting back on the issue, and ensuring that appropriate action is taken. The formal complaints procedure will therefore only be invoked after every attempt has been made to resolve complaints using informal channels.

There are separate procedures which deal with Admissions to Schools, Exclusions from Schools and Special Educational Needs. Issues related to child protection, criminal investigations and employee grievances must also all be handled separately from this policy.

### Who can make a complaint?

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean the parents and carers of the school's pupils, but may include neighbours of the school, or any other members of the local community.

### Aims and objectives of the policy

This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the school.

### Investigating and monitoring complaints

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

### Upholding or not upholding complaints

At each stage of the complaints procedure, the conclusion will be either:

1 That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken.

2 That the complaint is not upheld and reasons for this are clearly given.

In the first instance, 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.

In the second instance, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

### **Confidentiality**

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared on a 'need to know' basis.

### **Equal access, accompaniment and representation**

Appropriate steps should be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

Should any meeting need to be held where any parties would have difficulties in terms of access, the school would endeavor to provide an appropriate venue.

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

### **Vexatious Complaints**

In rare circumstances a complainant might, having exhausted the complaints procedure, persist with the complaint.

Complaints become vexatious when they are:

- repeatedly and obsessively pursued; or
- unreasonable or seeking unrealistic outcomes; or
- reasonable but pursued in an unreasonable manner.

Governors may need to decide whether all future contacts should be:

- directed to, and only be dealt with, a named individual
- restricted, for example, to letter only.

If a conclusion has been reached about a complaint but the complainant continues to pursue it, the school may consider writing:

- to reiterate that the matter is concluded and there will be no further correspondence
- to say that, if correspondence continues, it will be read and filed but will receive no acknowledgment
- to give a short response referring to previous documents that have already dealt with the matter.

### **Anonymous Complaints**

Generally the school will not respond to anonymous complaints but the Head teacher or Chair of Governors will consider whether:

- the issue and fear of identification are genuine
- the issue is one of child protection

### **The process**

The rest of the policy expands on each of the stage of the complaints process.

## **STAGE 1: Informal discussion**

### **Introduction**

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints. When a complaint is made directly against the school's Headteacher, stage 2 is not required and the formal procedure begins at stage 3.

### **Who to speak to informally**

Individuals may decide to raise their concerns with a member of school administrative staff, class teacher, senior teacher, governor or Headteacher depending on their wishes and the type of issues they want to discuss. This may be done without formality either in person, by telephone or in writing (paper or electronic).

### **Monitoring**

It is not necessary to record or monitor complaints at this level.

### **Time scales**

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

### **Response**

The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

### **Options for complainant**

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

## **STAGE 2: Referral to the Headteacher**

### **Introduction**

This is the first stage of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document.

### **Informal discussion with Headteacher**

Before proceeding with a formal investigation, the Headteacher will meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do.

### **Submitting a formal complaint**

By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and should be formally submitted in writing (paper or electronic) to the Headteacher.

As indicated within the 'equal access, accompaniment and representation' section of this policy, all complainants have the right to submit formal complaints, at this or any stage, which have been written by another individual on their behalf.

### **Acknowledgement and time scales**

The Headteacher should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation.

### **The investigation**

The Headteacher will need to investigate the complaint and review any relevant documentation and information. If necessary, the Headteacher will interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed. As indicated within the 'equal access, accompaniment and representation' section of this document, all individuals have the right, at this or any other stages, to be accompanied or

represented by a friend or relative at discussions and hearings. This includes the right of teachers to be accompanied by a representative from their Trade Union.  
When pupils are interviewed, an additional member of staff should always attend.

### **Response**

The Headteacher will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken.

### **Options for complainant**

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

## **STAGE 3: Review by Governing Body Complaints Committee**

### **Introduction**

Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them.

Upon receiving a formally submitted complaint at this stage the Chair of Governors will usually choose to deal with it by holding a complaints committee hearing. However, in some cases, it may be possible and appropriate for the Chair of Governors to resolve the issue with the complainant by other means without the need for a complaints committee review.

The complaints committee must be clerked. The clerk may be a member of the school staff, the clerk to the governing body or another governor. If required, the LA will offer support and guidance to the clerk, the Chair of Governors and/or the members of the complaints committee on procedural issues but will not normally play any part in reviewing the details of the complaint itself. When stage 2 has been missed out (see section 1.4), this is the first stage under which a formal complaint about the head teacher will be dealt with.

The first Annex summarises the key roles and responsibilities of the complaints committee.

### **The committee**

It is recommended that school governing bodies annually agree five governors who will be able to form part of a complaints committee if and when this becomes necessary at any point. The Governing Body will nominate three members to form the complaints committee to deal with a complaint as it arises. The three governors appointed to the complaints committee will usually be chosen from this group of five.

The committee will generally consist of three governors who have not previously been involved with dealing with the complaint. The committee should elect its own chair.

### **Submitting a formal complaint**

The complainant must submit a written request (paper or electronic) to the Chair of Governors for their complaint to be considered by a complaints committee. The submission can be made via the school office, school office e-mail or by requesting the Chair of Governor's direct contact details from the school office.

### **Acknowledgement and time scales**

The Chair of Governors should acknowledge receipt of this letter within 5 school days if possible but no more than ten at most by writing to the complainant. This letter will inform them that their complaint will be heard by a complaints committee within 15 school days.

### **Preparation**

The Chair of Governors will then contact the clerk and ask him or her to begin making preparatory arrangements.

The clerk will convene a meeting of the complaints committee. The membership of the complaints committee will be confirmed, a date and time will be arranged for a hearing and all existing relevant documentation will be given to the three appointed governors.

The clerk should then formally write to the complainant, the Headteacher and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the hearing;
- Of the aims and objectives of the hearing and how it will be conducted;
- That any documentation they wish the committee to consider must be returned to the Clerk no later than 5 school days before the hearing takes place;
- Of the rights of equal access, accompaniment and representation as set out within this document;
- How and when the committee will reach their decision.

It is the responsibility of the clerk to ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

### **The hearing**

The hearing should allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The hearing will, therefore, usually operate according to the following format:

- The Chair will introduce all parties to one another and explain the principles, objectives and format of the hearing
- The complainant will be given the opportunity to explain their complaint. Following this the Headteacher and the complaints committee will be allowed to ask the complainant questions.
- The Headteacher will then be given an opportunity to explain the school's official response, interpretation or view about the complaint. Following this the complainant and committee will be allowed to question the Headteacher.
- Every party will be given the opportunity to call witnesses and question witnesses called by other parties.
- The Headteacher and the complainant will both be given the chance to give final statements.
- The hearing will be concluded by the chair who should explain that the committee will consider its decision and write to both parties within 5 school days informing them of the outcome.

This format will need to be altered under certain circumstances, including instances where the Local Authority, rather than the Headteacher, has played an investigating role. Ultimately, the chair of the meeting has control over its proceedings.

### **After the hearing**

The committee will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or at least a majority decision, on the complaint;
- Decide upon the appropriate action (if any) to be taken;
- Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again.

This information will be included in both the letters to the Headteacher and the complainant.

### **Options for complainant**

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

#### **STAGE 4: Complaint to the Local Authority**

Complainants are entitled to complain to the Local Authority (LA) if they believe that their complaint was not handled fairly and in accordance to the school's complaints policy.

#### **STAGE 5: The Local Government Ombudsman and the Secretary of State**

Individuals have the right to contact to the Local Government Ombudsman or the Secretary of State for Education with regards to the way their complaint has been handled. Usually, neither will take any action until both the school and the Council's procedures have been exhausted.

##### **Complaining to the Local Government Ombudsman**

If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to the Local Government Ombudsman. The Ombudsman can investigate complaints about how something has been done but he or she cannot question what has been done simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools or colleges.

##### **Complaining to the Secretary of State**

Complainants have a right of appeal to the Secretary of State for Education under sections 496 or 497 of the 1996 Education Act if they believe that the LA has acted unreasonably. If the Secretary of State agrees that a complaint is justified, the Department for Education has the power to require the LA to take certain actions including issuing instructions to school governing bodies in appropriate circumstances, although in practice this would be very rarely exercised.

## Appendix 1

### Review by Complaints Committee – Key Roles and Responsibilities

#### The Role of the Clerk

The clerk organises the complaints committee review. He or she will need to:

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

#### The Role of the Chair of Governors

The Chair of Governors should:

- Check that the correct procedure has been followed;
- If a review is appropriate, notify the clerk to arrange the committee.

#### The Role of the Chair of the Complaints Committee

The chair of the complaints committee has a key role. He or she will need to ensure 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 speak at such a review are put at ease;
- The review 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.

The chair of the complaints committee needs to ensure that the complainant is notified of the committee's decision, in writing, with the committee's response within 5 school days. This letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

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