

COMPLAINTS PROCEDURE POLICY

Adopted from Wirral Borough Council Schools Complaints



Policy Written January 2018

CRC Links

Article 28 (Right to education): Children have the right to a good quality education. They should be encouraged to go to school to the highest level they can.

Article 29 (Goals of education): Children's education should help them use and develop their talents and abilities. It should also help them learn to live peacefully, protect the environment and respect other people.

GENERAL INFORMATION

The School Standards and Framework Act 1998 requires schools to establish a formal complaints procedure. The procedure must make provision for complaints from different categories of person i.e. governors, parents, guardians, pupils and the general public. This guidance document suggests a four-stage complaints procedure to manage complaints from parents, guardians and members of the general public starting with an informal stage for concerns and ending with an appeal to the governing body. Stage 1 deals with concerns which have the potential to be managed by the majority of the staff during the course of their duties. Complaints dealt with at stage 2 should either be managed by the Headteacher or a senior member of staff. When a formal complaint arises and is not dealt with to the satisfaction of the complainant, it will first be addressed by the Headteacher at stage 3, if they have not been involved at stage 2, then subsequently by the governing body at stage 4.

Section 29 of the Education Act 2002 requires governing bodies of all maintained schools and nursery schools in England to have in place by 1 September 2003 a procedure to deal with complaints. Governors may wish to refer to the Department for Education website for further information regarding "Complaints against Schools".

In formalising their complaints procedure governing bodies need to be aware that they may need to have a response mechanism to urgent or serious complaints about the Headteacher or a senior staff member, a member or the Chair of the Governing body and have appropriate provision in place (see stage 4 Guidelines for a committee of governors dealing with complaints).

COMPLAINTS NOT COVERED BY THE PROCEDURE

Staff grievance and capability proceedings along with child protection investigations are outside the process.

COMPLAINTS THAT ARE COVERED BY THE PROCEDURE

The range of complaints Concerns raised are likely to be wide ranging and varied and could include complaints concerning:

- disagreements over school policy e.g. homework, uniform
- health and safety issues, cleanliness of facilities and state of repair
- inappropriate discipline
- individual teacher's actions or attitudes toward a parent or pupil
- lack of effective action e.g. over bullying
- playground supervision
- racist behaviour
- sexual harassment

A SUGGESTED WORKING DEFINITION OF A COMPLAINT WOULD BE:

"A clear statement of dissatisfaction of a service provided or requested".

This would arise if a concern was not dealt with to the satisfaction of the complainant at stage one. It is vital that parents are aware of the procedure for raising concerns and all staff are primed to respond appropriately.

GENERAL PRINCIPLES OF THE PROCEDURE

Parents and guardians need to know how they can raise a concern or lodge a formal complaint. The school's complaints procedure should be easily accessible, easy to understand and well publicised.

TIMESCALE

The procedures should address the complaints as speedily as possible and be consistent with fairness to all concerned. Experience will probably demonstrate that at the first stage many concerns can be dealt with and resolved immediately. Where a concern cannot be dealt with immediately, the employee dealing with the issue should note a response date for the complainant and should record it to ensure a reply is communicated. The response date could set a time limit e.g. the governing body may recommend a response time of no more than 15 school days. Likewise the governing body could establish that a formal complaint in writing requires a decision to be communicated in writing, within a maximum of 15 school days of receiving the complaint. If a decision cannot be communicated within the deadline, then a letter could be written to the complainant indicating a date by which a decision will be made.

SUPPORT FOR COMPLAINANT

As part of the general publicity about complaints procedures, it is important for complainant also to know where they can go for information, advice and advocacy. Support could be offered from individuals and organisations who are clearly separate from those complained against, such as Parents' Partnership, Citizens Advice Bureaux, Community Relations Councils, refugee support organisations etc.

Parents or others raising concerns or complaints could be made aware that if they consider it appropriate they are welcome to be accompanied by a friend, a relative or a representative at any stage of the procedure.

SUPPORT FOR A PERSON COMPLAINED AGAINST

Staff who may be questioned as part of a complaints procedure investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case. They should be told about the procedure and be kept informed of progress. There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure which puts the complaints procedure on hold. If so, the complainant should be informed of this and any non disciplinary aspects of the complaint should be dealt with by the usual complaints procedures; the complainant should be "up-dated" on likely further delays to a response. It may be clear after the disciplinary procedures have been completed that particular responses to the complainant are required.

CONFIDENTIALITY

It is very important to treat conversations and correspondence with discretion. It is vitally important that complainants feel confident that their complaint will not penalise their child. However, from the outset all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure. Headteachers and members of the Senior Leadership Team may feel it appropriate to be accompanied by another member of staff when dealing with some complaints. Complainants should be aware that a written record will be maintained of all meetings as part of the procedure.

ANONYMOUS COMPLAINTS

It is usually proper to disregard anonymous complaints unless somebody is prepared to substantiate them, but the danger in this is that they may relate to something quite serious. If the unforeseen eventuality occurs, to the detriment of the school, the complainant may subsequently make themselves known and say that s/he alerted the school even though the complaint was unsigned. It should be at the Headteacher or Governing Body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

REDRESS

If the outcome of the complaint procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of: an apology, an explanation, a promise that the event complained of will not recur, an undertaking to review school policies or practices in the light of the complaint, or, in appropriate circumstances, financial compensation. Fear of litigation should not prevent a school from admitting when mistakes have been made, but advice should be sought from the Authority's Risk and Insurance Section if financial compensation is being sought or if litigation is a possibility.

STAFF AWARENESS AND TRAINING

School staff, including non-teaching staff, should be familiar with the procedures so that they can advise complainants about the process. There are often a great many staff involved in handling complaints. Their confidence in doing so depends on their having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in the practical interpersonal skills needed in dealing with people who are upset or angry.

However, should the complainant act aggressively or in an unreasonable manner the complaints procedure should be delayed. All staff should be aware of the advice contained in the LA policy and guidance document.

(Health & Safety Arrangements for Managing Violence and Aggression towards Staff)

SCENARIO EXAMPLES

ANONYMOUS COMPLAINTS

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COMPLAINTS CONCERNING THE TEACHER/S WITH RESPONSIBILITY FOR INVESTIGATING COMPLAINTS

Where a complaint concerns in whole or part the conduct of the teacher responsible for investigating complaints, the teacher should, on receipt of the formal complaint, immediately refer the matter to the Headteacher.

The Headteacher may either designate another member of staff to act as the teacher with responsibility for investigating the complaint, or s/he may her/himself deal with the complaint.

COMPLAINTS CONCERNING THE HEADTEACHER, A GOVERNOR OR THE GOVERNING BODY

In these cases the Chair of the Governing Body must investigate the complaint.

The complainant can appeal against the decision of the Chair within a maximum of 15 school days of receipt of the decision letter. The Governing Body can either delegate the appeal to the complaints committee, or may, where they think it appropriate, appoint 3 other governors to form a complaints panel to investigate and make a recommendation by majority decision to the Governing Body.

COMPLAINTS CONCERNING THE CHAIR OF GOVERNORS

A senior member of staff or Headteacher, upon receiving a formal complaint against the Chair, must notify the clerk, who must then table the complaint at an extraordinary meeting of the Governing Body. The Chair must withdraw from any discussion. The Governing Body will refer the matter to the Complaints Committee of the governing body.

COMPLAINTS BY MEMBERS OF THE GOVERNING BODY AND PUPILS

Governing Bodies shall establish such procedures, as they feel appropriate for dealing with complaints from members of the Governing Body and pupils.

A complaint by a governor may be discussed at a full meeting of the Governing Body.

A Governing Body can delegate the responsibility of managing complaints by pupils to the professionals. Pupils need to know clearly how they can register their complaint and they need assurance that it will be dealt with expediently.

WITHDRAWAL OF COMPLAINTS

Formal complaints may be withdrawn at any stage by notice in writing

COMPLAINTS REGISTER

RECORD KEEPING

If complaints are to contribute to raising the quality of education, then good practice would suggest they need to be recorded and monitored termly by senior staff and reported to the governors where appropriate.

Recording should begin at the point when a concern has become a complaint that cannot be resolved on the spot but needs investigation and/or consultation with others in the school and will require a later report back (either orally, or in writing) to the complainant.

COMPLAINTS REGISTER

A register of all formal complaints made under the complaints procedure should be maintained. The register should include the following:

- a) name and address of the complainant
- b) a brief description of the complaint
- c) a record of the time taken to resolve the matter
- d) the outcome of the complaint.

SUGGESTED GUIDANCE NOTES FOR PARENTS

IF YOU HAVE A CONCERN OR COMPLAINT

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you wish to tell us, our support and respect for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago.

WHAT TO DO FIRST

Most concerns can be sorted out quickly by speaking with your child's class teacher.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

WHAT TO DO NEXT

If you are dissatisfied with the teacher's response (or with the Headteacher's initial reaction if he/she has already been involved) you can make a complaint to the Headteacher.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors. Their details are available on the School Website.

The Headteacher will ask to meet you for a discussion of the problem. Again, you may take a friend or someone else with you if you wish. The Headteacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

IF YOU ARE STILL UNHAPPY

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the Governing Body to ask for referral of your complaint to the Complaints Committee of the governing body. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the committee at a meeting which the Headteacher will also attend. The General Complaints Procedure statement explains how these meetings operate.

FURTHER ACTION

Complaints about school problems are almost always settled within schools but in exceptional cases can be referred to the Secretary of State for Education if it is not resolved during stages one to four.

INDEPENDENT ADVICE CONTACTS

The names of these Associations can be passed onto Parents who may find them useful in helping them with issues relating to their child:

Wirral Parent Partnership is an impartial information, support and advice service for parents/carers of children with special educational needs and/or disabilities and also for professionals working to support those needs.

Through a variety of means Wirral Parent Partnership Service works closely with parents/carers, schools, the Local Authority, local support services and voluntary organisations to increase parental understanding of special educational needs to enable parents/carers to become more involved in their children's educational development.

WIRED (Parent Partnership) may be able to help a parent if:

- You think your child needs extra help at school.
- Your child is at risk of exclusion due to his/her behaviour.
- She/he has a Statement of Educational Needs.
- You would like your child's needs to be formally assessed.
- You are attending a school meeting.
- You need help with understanding or completing paperwork

WIRED ADDRESS

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| Wirral Parent Partnership | Tel: 0151 522 7990 |
| Wirral Business Park | Fax: 0151 670 1600 |
| Arrowe Brook Road | Email: contact@wired.me.uk |
| Upton, Wirral, | |
| CH49 1SX | |

PARENTS AND CARERS CAN RECEIVE INDEPENDENT ADVICE FROM:

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| National Confederation of Parent Teacher Associations | |
| 39 Shipbourne Road | Tel: 0300 123 5460 |
| Tonbridge | Email: info@pta.org.uk |
| Kent TN10 3DS | |

REVIEW

This policy will be reviewed as and when necessary.

The Headteacher and staff will review this policy in accordance with the development priorities stated in the School's Development Plan. Any suggested amendments will be presented to the governing body for discussion.