

Lingham Primary School Complaints Procedure Policy



Lingham Primary School
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Lingham Primary School

Part 1: General Principles of complaints

Dealing with Complaints – Initial concerns

1 At Lingham Primary School we are clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints.

2 These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

Dealing with Complaints – Formal procedures

3 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.

4 We have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. (The headteacher.)

Framework of Principles

5 An effective Complaints Procedure will:

- 1 encourage resolution of problems by **informal** means wherever possible;
- 2 be easily **accessible** and **publicised**;
- 3 be **simple** to understand and use;
- 4 be **impartial**;
- 5 be **non-adversarial**;
- 6 allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- 7 ensure a full and **fair** investigation by an independent person where necessary;
- 8 respect people's desire for **confidentiality**;
- 9 address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- 10 provide **information** to the school's senior management team so that services can be improved.

Investigating Complaints

6 It is suggested that at each stage, the person investigating the complaint (the complaints co-ordinator), makes sure that they:

- 1 establish **what** has happened so far, and **who** has been involved;
- 2 clarify the nature of the complaint and what remains unresolved;
- 3 meet with the complainant or contact them (if unsure or further information is necessary);
- 4 clarify what the complainant feels would put things right;
- 5 interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- 6 conduct the interview with an open mind and be prepared to persist in the questioning;
- 7 keep notes of the interview.

Resolving Complaints

7. At each stage in the procedure we will keep in mind ways in which a complaint can be resolved. It might 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:

- 1 an apology;
- 2 an explanation;
- 3 an admission that the situation could have been handled differently or better;
- 4 an assurance that the event complained of will not recur;
- 5 an explanation of the steps that have been taken to ensure that it will not happen again;
- 6 an undertaking to review school policies in light of the complaint.

7. It would be useful if complainants were encouraged 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.

8. An effective procedure will identify areas of agreement between the parties. 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 any outstanding issues.

Vexatious Complaints

9. If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the governing body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

10. Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Part 2: The Formal Complaints Procedure

The Stages of Complaints

11. A flow chart of suggested stages can be found in Annex C. At each stage it would be helpful to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the headteacher after a meeting with the complainant. Both of these examples could be included.

12. Three stages are likely to be sufficient:

- 1 Stage one: complaint heard by staff member (though not the subject of the complaint);
- 2 Stage two: complaint heard by headteacher;
- 3 Stage three: complaint heard by governing body's complaints appeal panel;

13. Regardless of how many stages we choose, an unsatisfied complainant can always take a complaint to the next stage. Some procedures may allow for an additional stage if the LEA or other external agency provides an independent appeal or review.

14. An effective procedure will specify how a complaint will be dealt with if it concerns the conduct of the headteacher or a governor or where a headteacher or governor has been involved in the issue previously.

15. An example of a complaints procedure can be found in Annex B.

Part 3 – Managing and Recording Complaints

Recording Complaints

16. We record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Annex D. At the end of a 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 meetings and telephone calls can be kept and a copy of any written response added to the record.

17. The complaints co-ordinator is responsible for the records, and could hold them centrally.

Governing Body Review

18. The governing body can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole governing body will not name individuals.

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

Publicising the Procedure

20. There is a legal requirement for the Complaints Procedures to be publicised. It is up to the governing body to decide how to fulfil this requirement but details of the Complaints Procedures could be included in:

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

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall -
 - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

"maintained school" means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

"maintained nursery school" means a nursery school which is maintained by a local education authority and is not a special school;

Lingham Primary School Complaints Procedure

Stage One: Complaint Heard by Staff Member

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. To that end, our staff are made aware of the procedures and know what to do when they receive a complaint.

We respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the headteacher, the complaints co-ordinator 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 complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. 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 appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage Two: Complaint Heard by Headteacher

The headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage Three: Complaint Heard by Governing Bodies Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a governing body complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints will 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.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- ☐☐ The hearing is as informal as possible.
- ☐☐ Witnesses are only required to attend for the part of the hearing 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 panel 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 panel decides on the issues.
- ☐☐☐ The chair explains that both parties will hear from the panel within a set time scale.

Lingham Primary School complaint form

Please complete and return to Miss Malcolm (complaints co-ordinator) who will acknowledge receipt and explain what action will be 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)?**

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

<p>Signature:</p> <p>Date:</p>
<p>Official use</p> <p>Date acknowledgement sent:</p> <p>By who:</p> <p>Complaint referred to:</p> <p>Date:</p>

This policy/document was reviewed by:-

Signed.....

Date:

Position.....

Signed.....

Date:

Position.....

The next revision date is: