



Complaints and Grievances Policy

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.

The Headteacher is responsible for the operation and management of the school Complaints Procedure.

The Complaints Procedure :

- encourages resolution of problems by informal means wherever possible;
- is easily accessible and simple to understand and use;
- is impartial;
- is non-adversarial;
- allows swift handling with established time-limits for action and keeps people informed of the progress;
- ensures a full and fair investigation by an independent person where necessary;
- respects people's desire for confidentiality;
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
- provides information to the school's senior management team so that services can be improved.

Investigating Complaints

At each stage, the person investigating the complaint (normally the headteacher), will 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 (if unsure or further information is necessary);
- 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;
- keep notes of the interview.

Resolving Complaints

At each stage in the procedure the person investigating the complaint must 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:

- 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.

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.***

Recording Complaints

The progress of the complaint and the final outcome should be recorded. A complaint may be made in person, by telephone, or in writing however a formal complaint must normally be made in writing. An example of a complaint form can be found in the Complaints Procedure. 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.

The headteacher is responsible for the records and holds them centrally.

Governing Body Review

The GB monitors the level and nature of complaints and reviews the outcomes on a regular basis and at no more than 3 year intervals to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole GB does not, wherever possible, name individuals.

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

Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised.

If the whole governing body is aware of the substance of a complaint before the final stage has been completed, schools should arrange for an independent panel to hear the complaint.

They may approach a different school to ask for help or the local Governor Services team at the LA.

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. The school will consider the request but ultimately, the decision is made by the governors dealing with the complaint;

Publicising the Procedure

There is a legal requirement for the Complaints Procedure to be published. Details of the Complaints Procedures are included in:

- the school prospectus;
- the information given to new parents when their children join the school;
- a specific form on which a complaint can be made;

Ellesmere Primary School Complaints and Grievance Procedure

Dealing with initial concerns

1. It is expected that initial concerns, from whatever source, will be taken seriously and dealt with by an appropriate member of staff in an efficient and professional manner. Depending on the concern, it may be dealt with by the subject teacher, form tutor, Head of Year, Assistant Head or the Headteacher. If Governors are approached directly they should refer all concerns to the school.

2. 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, all staff must be made aware of the procedures so they know what to do when they receive a complaint.

3. The formal procedures will 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. In this instance, the complainant will be made aware of this policy and asked to put their complaint in writing to the Headteacher. The complainant should state that they wish to make a formal complaint and give sufficient information for the Headteacher to investigate and address the matter.

Formal Complaints

Stage One: Complaint heard by Headteacher

4. The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with the Headteacher. Where the complaint concerns

the Headteacher, the complaint will be referred to the Chair of Governors.

5. If the Headteacher feels too compromised to deal with a complaint he/she will refer the complaint directly to the Chair of Governors: Complaints must always be dealt with objectively and impartially.

6. Where the first approach is made to a governor, the governor will refer the complainant to the Headteacher and advise them about the procedure. Governors should 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 Chair of Governors

7. 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 the Governors. The chair of governors would investigate the complaint and attempt to negotiate a compromise solution. The Chair of Governors has no authority to overrule the Headteacher without recourse to Stage Three.

Stage Three: Complaint heard by the Governing Body Complaints and Grievances Committee

8. If the complainant feels that their complaint still has not been resolved, they need to write to the Chair of Governors asking for the complaint to be heard by the Complaints and Grievances Committee. The letter should outline nature of the complaint. The Chair will acknowledge receipt of the letter as soon as possible, but within 14 days, and convene a Governors' Complaints and Grievances Committee meeting at a date suitable to both parties. This meeting should, wherever possible, take place within three weeks (excluding school holidays) of dispatch of the acknowledgment letter, unless a longer period (perhaps to arrange suitable dates or collate information) is necessary, in which case the Chair of Governors must inform the complainant of the reason for the delay.

9. The Complaints and Grievances Committee will be made up of three governors drawn from the Finance, Staffing and General Purposes Committee with two named reserves in order of precedence, who shall act if a member of the committee is unable to attend a meeting.

No governor employed to work at the school shall be appointed to this committee. Where any individual member is compromised by prior knowledge of the complaint or personal relationship with the complainant, he/she may not sit on the committee. Should there be insufficient standing members to form the committee the Chair of Governors will co-opt an alternative governor.

10. The Chair of the Complaints and Grievances Committee will ensure that all necessary information is available, for evidence to be presented and for the Headteacher and the complainant to be available for further questioning. The process of hearing the complaint will be made clear to the complainant at this stage. The complainant and the person who is the subject of the complaint will be permitted to bring a supporter (friend, spouse, union representative, etc) should they so choose.

The Remit of the Complaints and Grievances Committee

11. 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;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

12. The Complaints and Grievances Committee must remember:

a. It is important that the committee is independent and impartial and is seen to be so. No governor may be a member of the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

b. The aim of the meeting, which will 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 that the complainant might not be satisfied with the outcome if the committee does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. An effective committee 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 welcoming 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. Where a complaint involves a child, the committee, in conjunction the parent/guardian, will determine the degree of the child's involvement in the hearing. It would not normally be appropriate for the child to be present throughout the meeting. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The committee needs to be aware of the views of the child and give them equal consideration to those of adults.

e. The governors sitting on the committee must be aware of the complaints procedure.

Checklist for Complaints and Grievances Committee Meeting

Where possible, the Complaints and Grievances Committee hearing should follow the format laid out below. This should only be deviated from with the consent of both parties. Some complainants may not feel comfortable speaking to or in front of the Headteacher and this should be taken into account when formalising the procedure. The meeting should be as informal as possible.

- Witnesses are only required 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 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 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.

Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Complaints Co-ordinator (or headteacher)

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;

- keep records;
- be aware of issues regarding:-
 - o sharing third party information;
 - o additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information;
 - effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
 - identifying solutions and recommending courses of action to resolve problems;
 - being mindful of the timescales to respond; and
 - responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, 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 the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;

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- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints coordinator.

Panel Member

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;
- No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;
- However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously. many complainants will feel nervous and inhibited in a formal setting;
- Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

Interviewing Best Practice Tips

Children/young people

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

Notification of the Committee's Decision

16. The chair of the committee will notify the complainant of the decision, in writing, with an explanation of the committee's response, within seven days of the meeting. The letter needs to explain that the complainant can contact the Children's Secretary at the Department for Education if they wish to pursue the matter further (0370 000 2288).

Serial and persistent Complaints

17. It is possible that some complaints will become protracted, despite all stages of the procedures having been followed. If the complainant tries to reopen the same issue, the Chair of Governors should inform the complainant in writing that the procedure has been exhausted and that the matter is now closed from the Governing Body's point of view. Further information about serial and persistent complaints is set out in Best Practice Advice for School Complaints Procedures 2016; the school will endeavour to act in accordance with that advice.

Complaints not in scope of the procedure

This complaints procedure covers all complaints about any provision of facilities or services that the school provides with the **exceptions** listed below, for which there are separate procedures.

Exceptions

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation

- Exclusion of children from school

- Wistleblowing

- Staff grievances and disciplinary procedures

- Complaints about services provided by other providers who may use school premises or facilities.

Who to contact

Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

Further information about raising concerns about exclusion can be found at:
www.gov.uk/school-discipline-exclusions/exclusions.

The school has a whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

ANNEX A

Complaints Form

Complainants should be provided with the format outlined below in order to formulate their evidence to the committee.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

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|
|

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.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

RESPONSIBLE PERSON	GOVERNORS	LAST REVIEWED	November 2018	NEXT REVIEW DATE	November 2019
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