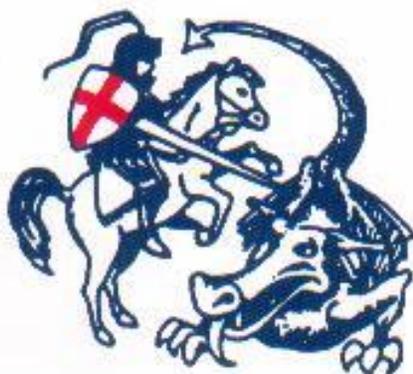


Complaints Procedure Policy

**Reviewed on: October 2016
To be reviewed: October 2018**

St George's CEP School Wrotham Kent



Signed by: Mr M Knight

Position held: Chair of Finance

Date: 15/11/16

Signed by: Mr D Jones

Position held: Headteacher

Date: 15/11/16

Introduction

All schools have a duty to have a complaints procedure and to publicise it to parents and pupils.

This document sets out Kent County Council's guidance for schools on complaints handling. At the end of the document there is a model complaints procedure that schools can adopt and suggested wording for information on complaints for the public. Governors should read the guidance and make any necessary adjustments to the model procedure to meet the individual needs of the school.

The legislation on complaints about Kent maintained schools changed in 2010. The Local Authority no longer has a statutory role in complaints about schools.

Complaints procedures should not be used for appeals and referrals that fall under other procedures and legislation and which are covered by other guidance, including:

- Admissions
- Exclusions
- Special Educational Needs
- Staff Grievances
- Child Protection
- Whistleblowing

Extended Services

It is recommended that the governing body ensures that any third party providers offering community services or facilities on the school premises or using school facilities for any purpose have their own complaints procedures in place.

Guidance on complaints handling

1. Publicity

Parents and pupils should always know how they can raise concerns or lodge a formal complaint. Complaints procedures should be easily accessible and well publicised.

A summary of how the school deals with complaints should be included in the information that is given to new parents when their children join the school. Schools should also prepare leaflets for parents explaining how problems are dealt with and how the complaints procedures work. (Appendices D and E provide suggested wording.)

Schools should consider whether they need to make the procedures available in languages other than English and whether audio-cassette, Braille or large-print

versions are necessary.

At regular intervals parents should be reminded of the system.

2. Procedures should be as speedy as possible - consistent and fair to all concerned

Each stage of the procedure should have known time limits. Where it is not possible to meet these, the complainant should be kept informed of progress.

3. Support for complainant

It is important that parents know that at any stage of the procedure they can be accompanied by a friend, relative or representative and to know where they can go for information, advice and advocacy, if required.

4. Support for staff

Staff complained about must be treated fairly. They should have the opportunity to put their case and receive appropriate support; a colleague may accompany them at any stage but it would not be appropriate to involve someone from outside the school from whom confidential pupil information should be withheld. There is a crucial balance to be maintained between supporting the individual so that his/her rights are maintained and reputation protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this will need to be made clear to all concerned. However there may be occasions where a complaint leads to a disciplinary procedure which puts the complaints process on hold. If so, the complainant should be informed of this, without going into details, and updated regularly on likely further delay. After the disciplinary process is completed it will be necessary to decide what further response to the complainant is required.

5. Confidentiality

It is very important to treat all concerns and complaints with discretion. It is vital that parents feel confident that their complaint will not penalise their child. However, a complainant will need to be aware that some information will have to be shared with those involved in order that the complaint can be investigated.

6. Anonymous complaints

Anonymous complaints should not be automatically disregarded. They may relate to a serious issue which may subsequently resurface. It should be at the Headteacher's or Governing Body's discretion as to whether the gravity of an anonymous complaint warrants an investigation. A copy of every anonymous complaint and note of the decision should be retained on file.

7. Remedy

If the outcome of the complaints procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is upheld together with an appropriate apology. It may be appropriate to offer one or more of: 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 redress. Fear of litigation should not prevent a school from admitting to parents when mistakes have been made, but it is recommended that advice be sought if the complainant threatens legal action.

8. Staff Awareness and Training

All staff should be aware of the procedures, as potentially many will be involved with handling complaints, especially at the informal level. To be confident in doing so depends on them having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in dealing with people who are upset or angry (see Appendix B). All staff should also have clear information about individual staff roles and responsibilities so that parents do not get continually passed from one to another.

9. Record Keeping

Complaints should be recorded and monitored regularly by staff and governors. It is recommended that recording should begin at the point when an initial concern or complaint cannot be resolved immediately but needs some investigation and/or consultation with others in school and a subsequent report back to the parent.

Recording at the earliest stage need only be a very basic record of the complaint, giving the date, name of parent and general nature of the complaint. A pro-forma or a "comments and complaints" book could be used. Whatever system is used, it should be consistent and understood by the staff and records retained with due regard for confidentiality.

A Staged Approach

There should be two stages to the complaints procedure. While it is good practice to encourage an open culture where parents feel able to raise concerns informally with a teacher, you should not introduce this as a third stage into the process.

The First Contact

There needs to be clarity as to the difference between a concern and a complaint. Taking informal concerns seriously at an early stage and addressing them promptly will reduce the number that develops into formal complaints. There are many occasions where concerns are resolved straight away through the class teacher, headteacher or administrative staff, depending on who is approached first. Parents must feel able to raise concerns with members of staff without formality, either in person, over the telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent and this must be taken into consideration.

It may be unclear at first whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further. Ultimately, parents have a statutory right to complain and if they wish an issue to be handled as a complaint then this is the approach that has to be taken. Staff views as to the seriousness of the issue should not be a deciding factor. Where there is uncertainty, the parent should be asked if they want the issue treated as a formal complaint.

Stage 1: Referral to the Headteacher

Once it is clear that the concern is a definite complaint it should be investigated according to school guidelines (see model procedure attached at Appendix A) to ensure consistency and to make sure that nothing happens which could make it difficult for later stages to proceed smoothly.

In some cases the headteacher may already have been involved in looking at the matter; in other cases it may be his/her first involvement and in a large school it may be appropriate to delegate the investigation at this stage to another member of staff. What is important is that a staged procedure exists which reassures complainants that their complaint will be heard by more than one person, and that headteachers ensure that their involvement will not predominate at every stage.

It should be noted that in some cases headteachers will have been involved in the matter informally or the complaint may be against them, in which cases Stage 1 should be carried out by the Chair of Governors. In other cases the

Headteacher is advised to become involved in complaints at Stage 1.

Stage 2: Review by the Governing Body

Most complaints are resolved at the first stage but it is important that there is a robust mechanism at the second stage and that governing bodies are well prepared to deal with them. KCC Governor Services provide training for Chairs and Clerks, and complaints training is also provided by the Local Government Ombudsman.

At this stage schools may wish to seek advice from the Local Authority or diocese as appropriate. Governors can also contact The Local Government Ombudsman for advice via the Assistant Ombudsman, Sue Machin on 024 7682 0033 or by email to S.Machin@lgo.org.uk, or the Senior Investigator, Jennifer Randell on 024 7682 0025 or email to J.Randell@lgo.org.uk. The LGO can provide a useful impartial view on the issues.

It is important that this review is not only independent and impartial but that it is seen to be so. Complaints should always be considered by a panel, not by the full governing body. Some governors may have previous knowledge of the problem which led to the complaint and would be unable to give fair, unbiased consideration to the issue, whilst if a complaint resulted in disciplinary action against a member of staff it would be necessary for there to be sufficient governors with no prior involvement to form a staff dismissal committee and possibly a staff dismissal appeal committee.

The panel hearing should not be adversarial but should aim to provide a non-threatening environment in which resolution can be reached. In deciding the agenda, who should attend, the number of attendees, and in taking questions from attendees, the Chair should carefully take into consideration the need to avoid any attendee feeling intimidated by the proceedings. The Chair may wish to set time limits for presentations. In exceptional circumstances the Chair may decide that the panel should hear the complainant or a particular witness separately. For example if the complaint is about bullying, the Chair may decide to give the pupil the opportunity to put their case to the panel before others are admitted to the meeting to avoid a confrontational and distressing situation. In such cases the panel will need to ensure that allegations made are shared with the other parties so that they are able to respond.

It is recommended that the panel appoint a clerk to minute the meeting. The clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing and ensure 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
- Notify all parties of the panel's decision

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations that will satisfy the complainant that their complaint has at least been taken seriously.

Two or more schools may wish to consider coming to an arrangement to hold joint Governor panels to hear complaints. This has been tried and tested at a number of Kent schools and proved to be successful. Written guidance can be found on TrustWeb, and Governor Services can also provide advice on how to go about setting up joint panels.

What if the complaint is about a governor?

The Chair of Governors can still address the complaint. If the complaint is about the Chair of Governors it should be referred to a member of the governing body. If you receive a complaint about the governing body as a whole, you should contact the Area Education Officer at Kent County Council or Governors' Support for advice. The Local Government Ombudsman is also available for advice at any stage of the process.

Stage 3: Review by the Local Government Ombudsman

From September 2010 parents in Kent have been able to go to the Local Government Ombudsman if they feel they have an unresolved complaint and have suffered injustice as a result of the actions of a governing body.

The Local Government Ombudsman was established over 35 years ago to handle complaints about Local Authority services including education and children's services, such as school admissions and special educational needs. The Local Authority no longer has a formal role in the consideration of a complaint about a school.

How does the Ombudsman work?

Unless there are exceptional circumstances, the Ombudsman will not deal with a complaint unless the school has had a proper opportunity to consider it and respond. Since 2002, all schools have been required to have a complaints procedure and to make parents and pupils aware of it.

Someone with a complaint can telephone, write to, or email the Advice Team on 0300 061 0614, email advice@lgo.org.uk, address PO Box 4771, Coventry, CV4 0EH. The advisers will pass the complaint to a specialist team who will evaluate it and speak to the parent or pupil before deciding how to proceed.

At any stage the Local Government Ombudsman (LGO) can decide whether or not to pursue a complaint. If the decision has been made to pursue a complaint, the parent or pupil will be written to with an explanation of the reasons. If the complaint is to be pursued, the Ombudsman will contact the complainant to confirm their understanding of the complaint and how it will be investigated. There is an aim to reach a decision as quickly as possible, especially when time is an important factor.

Both parties will be kept informed and will have an opportunity to comment on the thinking before a decision has been made. If recommendations are made, the governing body must consider the decision and respond. If unsatisfied with the response from the governing body, the LGO can require an “adverse findings notice” be published in a local paper.

The LGO’s prime focus in dealing with complaints about schools is the needs and best interests of the child and his/her continuing relationship with the school.

From 1 August 2012 the role currently the responsibility of the LGO will be undertaken by the Secretary of State for Education.

Appendix A

Complaints Procedure

In order to investigate your complaint as fully as possible the governing body has staged process. Most issues are sorted out informally and we would recommend that you try this approach first. However, if you feel that there is nothing to be gained and you wish to make a formal complaint you have the right to go straight to stage 1 of the complaints procedure.

Resolving concerns informally

- 1.1. Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure them that the school wants to hear about it. Parents should be advised from the outset that there is a complaints procedure that they can use if the matter cannot be resolved. The member of staff may explain to the parent how the situation happened. It can be helpful at this point to identify what sort of outcome the parent is looking for.
- 1.2. If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name and contact address or phone number.
- 1.3. All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been dealt with.
- 1.4. If the matter is brought to the attention of the Headteacher s/he may decide to deal with the complaint. If the complaint is against the Headteacher the parent will be advised to contact the Chair of the Governing Body.
- 1.5. The member of staff dealing with the concern will make sure the parent is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.
- 1.6. While it is often a helpful way to resolve problems more quickly, a parent or pupil is not required to pursue informal ways to address complaints but has the right to make a formal complaint at any time.

Complaints Procedure Stage 1: investigation by the Headteacher

- 2.1 Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can expect help to put their complaint in writing.
- 2.2 The Headteacher (or designated person) will acknowledge the complaint in writing within three working days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of 20 working days unless it is a particularly complex issue.
- 2.2 The Headteacher will provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.
- 2.3 If necessary the Headteacher will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed unless this is judged not to be in the interests of the pupil's welfare. Pupils should normally be interviewed with parents/guardians present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.
- 2.4 The Headteacher will keep written records of meetings, telephone conversations and other documentation.
- 2.5 Once all the relevant facts have been established as far as possible, the Headteacher will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of Governors within 20 working days of receiving the letter.
- 2.6 If the complaint is against the Headteacher, or if the Headteacher has been closely involved in the issue, the Chair of the Governing Body will carry out all the Stage 1 procedures.

Stage 2: Review by the Governing Body

- 3.1 The Chair of the Governing Body will write to the complainant to acknowledge receipt of the written request for the governing body to review the complaint. The acknowledgement will inform the complainant that three members of the school's governing body will hear the complaint within 20 working days of receiving the complaint. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.
- 3.2 A meeting of the Governors' Complaints Panel will be convened. No governors with prior involvement in the issues complained about will be included on the panel and it may be necessary to use reserves (previously agreed by the Governing Body) to ensure the Panel can meet within the set time. Governors should bear in mind the advantages of having a parent governor on the panel, and will also be sensitive to issues of race and gender. The Headteacher will not sit on the Panel. An experienced governor will chair the panel meeting.
- 3.3 The Chair of the panel will ensure the Panel hears the complaint within twenty working days of receiving the letter. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.
- 3.4 The Chair or clerk will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
- 3.5 The Headteacher will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All attendees including the complainant should receive a set of the relevant documents including the Headteacher's report and the agenda, at least five working days prior to the meeting.
- 3.6 Submission of additional documents or requests for additional attendees will be at the discretion of the Chair of the panel.
- 3.7 At the panel hearing:
- The complainant will have the opportunity to present their complaint.
 - The Headteacher will explain the school's position.
 - Those present will have the opportunity to ask questions.

- Panel members will have the opportunity to ask questions of the complainant and the Headteacher.
- The Headteacher will be given the opportunity to make a final statement to the panel.
- The complainant will be given the opportunity to make a final statement to the panel.
- The chair will ask the complainant if he or she feels they have had a fair hearing.

The Chair of the Panel has responsibility to ensure that the meeting is properly minuted.

3.8 The Chair of the Panel will explain to the complainant and Headteacher that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.

3.9 The Panel will then consider the complaint and all the evidence presented and

- Agree a decision on the complaint;
- Decide upon the appropriate action to be taken to resolve the complaint; and
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

3.10 A written statement clearly setting out the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should also advise how to take the complaint further.

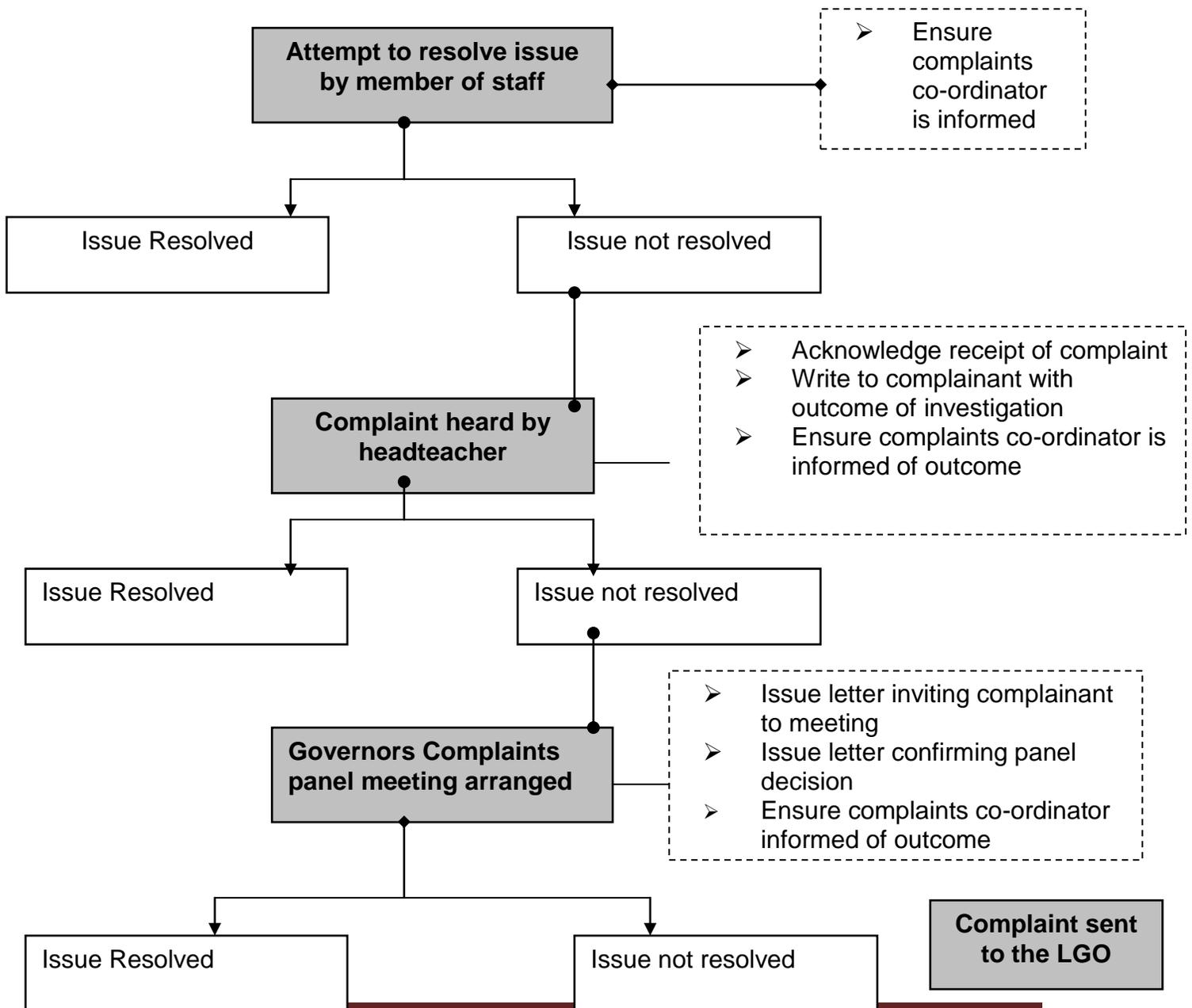
3.11 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Stage 3 The Local Government Ombudsman

4.1 If a complainant wishes to go beyond the governors' complaints panel, they should be advised to contact the LGO. The LGO will decide whether a further investigation is necessary. Complainants can write, telephone or email the LGO. See their website www.lgo.org.uk for more details.

Appendix B

Flowchart of complaints



Appendix C- How to Listen to Complaints

When you realise that you are listening to a complaint, try to remember these points:

Don't pass the buck	<i>Try not to keep transferring an angry person from one place to another. Take the responsibility to ensure the right person deals with it if you cannot deal with it yourself.</i>
Don't be flippant	<i>First impressions count. You and the school may be judged on your immediate reaction.</i>
Treat all complaints seriously	<i>However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain. Access to the procedure is a right which should not be restricted by a judgement as to the seriousness of the issue.</i>
Treat every complaint individually	<i>Even if you have already received several similar complaints the same day, it is probably the person's first chance to have their say.</i>
Be courteous and patient	<i>Be sympathetic and helpful, but do not blame other colleagues.</i>
Say who you are	<i>If you are unknown to the other person, introduce yourself.</i>
Ask for their name and use it	<i>Anonymous complaints are acceptable only where there are special circumstances.</i>
Take time to find out exactly what the problem is	<i>It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed. Asking what outcome the complainant seeks is a good way to find out what it is really all about and will help you to know if you can resolve it</i>
Don't take the complaint personally	<i>To an angry or upset person, YOU are the school, and the only one they can put their feelings to right now.</i>
Stay cool and calm	<i>Do not argue - be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong.</i>
Check you are being understood	<i>Make sure that the person understands what you are saying. Don't use jargon - it can cause confusion and annoyance to someone 'not in the know'.</i>
Don't rush	<i>Take your time. Let people have their say, and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.</i>

Appendix D

How to raise concerns or to make a complaint about the school

If you have a concern or complaint

we would like you to tell us about it. We welcome suggestions for improving our work in school. Be assured that no matter what the problem is, our support and respect for you and your child in 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 that happened some time ago.

What to do first

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

If you have a complaint that you feel should be looked at by the Headteacher in the first instance you can contact him/her straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling into the school office. You can take a friend or relation to the appointment with you if you would like to.

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 initial response, or if you do not want to discuss the matter informally, you can make a complaint to the Headteacher. This will need to be in writing. Contact the school office if you would like some help putting your complaint in writing.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors now. Contact details can be obtained from the school office.

You will be offered a meeting to discuss the problem. You may bring a friend or someone else for support. 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 at this stage. However, if you are still not satisfied you may wish to contact the Chair of the Governing Body to ask for a referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be given a fresh assessment. You will be invited to attend and speak to the panel at a meeting that the Headteacher will also attend. The Complaints Procedure sets out in more detail how these meetings operate.

Further Action

Complaints about school problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to an outside body such as the Local Government Ombudsman. Again there is more detail in the full Complaints Procedure, on the school's website or on the LGO's own website (www.LGO.org.uk).

Complaints form**Appendix E**

Please complete and return to	
who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
For Office Use only	
Date acknowledgement sent	By Whom
Complaint referred to:	Date: