

ELVETHAM HEATH PRIMARY SCHOOL

The Key, Elvetham Heath, Fleet, Hampshire. GU51 1DP

General Complaints Procedure

May 2017

Purpose of this document

The Education Act 2002 Section 29 (1) (a) and (b) requires governing bodies to have procedures to deal with complaints not covered by other existing statutory requirements and to publicise these procedures. Under Section 29 (2), governing bodies should have regard to any guidance from the Secretary of State.

The school has a policy of encouraging parents and pupils to express their concerns on what goes on within the school, so that staff receive an early warning of potential difficulties. The vast majority of these concerns are dealt with immediately, satisfactorily and at an informal stage.

However, occasionally things can go wrong and it is not always possible to predict how a minor concern can escalate into a major, stressful and time-consuming complaint. This complaints procedure aims to ensure that all parties are aware of, and have confidence in, a clear process and channel of communication.

This document helps clarify governors' powers and the Local Education Authority's (LEA) role when responding to general complaints. The procedure aims to:

- Resolve concerns through informal discussions at the earliest stage
- Be efficient, with well-defined timescales and named contacts
- Focus on resolution and service review rather than blame
- Be accessible to people with disabilities, special needs or language barriers
- Promote confidentiality and discretion
- Include fair and transparent investigative processes for staff as well as complainants
- Indicate other sources of advice, for example CAB (Citizens Advice Bureau), parent/partnership services, ACE (Advisory Centre for Education), the LEA complaints adviser
- Be forthright in dealing with vexatious, abusive, malicious and anonymous complainants.

General Principles

Publicity

Parents should always know how they could raise concerns or lodge a formal complaint. The complaints procedure 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. Existing parents and children should be reminded of the system at regular intervals.

If a parent contacts the LEA with their concerns when the school's internal complaints procedure has not been fully exhausted, they will be referred back to the school.

Efficiency and Consistency

Each stage of the procedure will have publicised time limits. Where it is not possible to meet these, information about progress will be given to the complainant.

Support for Complainant

Further information on raising a complaint can be offered from individuals and organisations who are clearly separate from those complained against, such as Parents Advice Centres, Citizens Advice Bureaux, Community Relations Councils, and other local advice centres. However, useful information often comes from individual governors or LEA officers, providing they remain apart from any later stages in the procedure where they might otherwise be called upon to make a judgment in a complaints disagreement with a school.

Parents raising concerns or complaints will be invited to be accompanied by a friend, a relative or a representative at all stages of the procedure.

Support for the Plaintiff

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 are given the opportunity to put their case.

Staff involved in a complaints procedure will be informed about the procedure at the earliest opportunity and kept up to date with progress. A balance must 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. There may be occasions where a complaint launches a disciplinary procedure that 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 procedure; the complainant will then be updated every three weeks on any likely further delay.

It may be clear after the disciplinary procedure has been completed that particular responses to the complainant are required, e.g. an apology or an explanation of new policies to avoid a similar problem again.

Confidentiality

All conversations and resultant correspondence with respect to a concern will be treated with discretion at all times. It is vitally important that parents feel confident that their complaint will not penalise their child. However, from the outset all parties involved in a complaint will need to be made aware that some information may have to be shared with others involved in the operation of the complaints procedure.

Anonymous complaints will be disregarded unless somebody is prepared to substantiate them, although it is recognised that it may relate to something quite serious. If the foreseen eventuality occurs, to the detriment of the school, the complainant may surface subsequently and say that s/he alerted the school, even though the complaint was unsigned. Therefore, in the case of anonymous complaints, it lies with the Headteacher's and/or governing body's discretion whether the gravity of an anonymous complaint warrants an investigation.

Redress

If the outcome of the complaints procedure shows the school was at fault, it is sufficient for the school to provide redress in the form of an acknowledgement that the complaint was valid.

If it is deemed appropriate, further information may be offered in the form of a written apology or explanation of resulting actions to prevent re occurrence or in specific circumstances, financial compensation. In line with the ethos of the school, fear of litigation will not prevent the school from admitting to parents that mistakes have been made, but the school will seek further advice from the LEA if litigation is considered possible.

Staff Awareness and Training

Governors and school staff, including non teaching staff, will be made familiar with the complaints procedure so that they can advise parents about the process. Confidence in handling complaints, especially at the informal level, depends on all members of the governing body and school staff having clear information about the procedures and reassurances that senior staff are committed to the procedure. This should be carried out through basic practical training (teaching interpersonal skills in dealing with people who may be upset or angry).

Finally, all staff should be provided with clear information about which staff have which responsibilities at school so that parents do not get continually passed from one to another.

Record Keeping

If complaints are to contribute to raising the quality of education, then they will be recorded and monitored termly by senior staff and governors.

Recording will begin at the point when a concern or initial complaint has become the kind of complaint that cannot be resolved on the spot and requires additional investigation and/or consultation with others in the school, resulting in either a verbal or written report to the parent.

Recording at the earliest stages will only be a basic record of the complaint, giving date, name of parent and a general summary of the complaint.

The Process

Procedures should help parents feel confident that their concerns will be dealt with as quickly and effectively as possible. This procedure aims to embrace this approach with the following five-stage approach:

- 1 First contact - informal discussion
- 2 Referral to Headteacher for investigation
- 3 Review by the Governing Body
- 4 Review by the Local Education Authority
- 5 Beyond the Local Education Authority

The above stages are sequential as it would not normally be appropriate for any stage of a complaint to be omitted.

Lastly, the importance of the preliminary informal stage is significant because we as a school, should be aiming to address any issues immediately to the benefit of the child, parent and school without the need to enter into a formal investigative process.

Stage 1: The First Contact; Guidelines for Dealing with Concerns and Complaints Informally

- 1.1 Parents have an opportunity for discussion of their concerns with the appropriate member of staff who clarifies with the parent the nature of the concern and reassures them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.
- 1.2 If the member of staff first contacted cannot immediately deal with matter, s/he makes a clear note of the date, name and contact address or telephone number in the complaints book, see Appendix B.
- 1.3 Any member 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 successful.
- 1.4 If the concern relates to the Head Teacher, the parent is advised to contact the Chair of the Governing Body.
- 1.5 The staff member dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.
- 1.6 Where no satisfactory solution has been found within 10 days, parents are asked if they wish their concern to be considered further. If so, they are provided with a complaint form and given clear information, both orally and in writing, about how to proceed and about any independent advice available to them, see Appendix C.

Stage 2: Referral to the Headteacher for Investigation

- 2.1 The Headteacher (or designate) acknowledges the complaint orally or in writing within 5 working days of receiving the written complaint. The acknowledgement gives 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 10 working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.
- 2.2 The Headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is made clear to the complainant that if s/he wishes, they may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.
- 2.3 If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/guardians present. Some circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint, or where particular circumstances mean that a pupil has specifically said s/he would prefer that parents or guardians were not involved. If this is the case, it should subsequently be recorded. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind.
- 2.4 The Headteacher (or designate) keeps written records of meetings, telephone conversations and other documentation.
- 2.5 Once all relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
- 2.6 A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within five weeks of receiving the outcome letter.
- 2.7 If a complaint is against the action of a Headteacher, or if the Headteacher has been very closely involved at Stage 1, the Chair of the Governing Body should carry out all the Stage 2 procedures.

Stage 3: Review by the Governing Body

- 3.1 Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed.
- 3.2 The Clerk to the Governing Body should write to the complainant to acknowledge receipt of the written request within five working days. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the school's Governing Body within 20 working days of receiving the complaint. The letter should 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.
- 3.3 The Clerk to the Governors should arrange to convene a Governors' Complaints Panel elected from members of the Governing Body. It may be necessary for the Governing Body to appoint reserves to this panel to ensure that three governors are available to carry out their task within the set time.
- 3.4 The panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the panel; otherwise the Vice-Chair should do it. Generally it is not appropriate for the Headteacher to have a place on the panel. Governors will want to bear in mind the advantages of having a parent (who is a governor) on the panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.
- 3.5 The Chair/Vice-Chair will ensure that the panel hears the complaint within 20 working days of receiving the letter. All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to panel members.
- 3.6 The Chair/Vice-Chair will write and inform the complainant, Headteacher, any relevant witnesses, and members of the Panel at least 5 working days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend, relative, representative or advocate who can speak on their behalf and take notes of the meeting for their records; and that interpreting facilities are available if needed. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.

- 3.7 The Chair/Vice-Chair of the Governing Body should invite the Headteacher to attend the panel meeting and prepare a written report for the panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. All concerned parties, including the complainant, should receive any relevant documents, including the Headteacher's report, at least 5 working days prior to the meeting.
- 3.8 The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.
- 3.9 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted for the governors records.
- 3.10 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the 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 his or her complaint has at least been taken seriously.
- 3.11 The aim of the meeting is for the panel to consider the complaint as stated in the complainant's original letter. If the complainant introduces a previously undisclosed complaint at the meeting this does not have to be considered and will only be addressed at the discretion of the chair.
- 3.12 The panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.
- 3.13 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 3.14 The meeting should allow for:
- The complainant to explain their complaint and the Headteacher to explain the school's response.
 - The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff about the school's response.

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- Panel members to have an opportunity to question both the complainant and the Headteacher.
 - Any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses.
 - Final statements by both the complainant and the Headteacher.
- 3.15 The Chair of the Panel will explain to the complainant and the Headteacher that the panel will now consider its decision, and a written decision will be sent to both parties within 10 working days. The complainant, Head teacher, other members of staff and witnesses will then leave.
- 3.16 If the meeting has been held in the school the panel will then move to an independent location to consider the complaint.
- 3.17 The panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 3.18 A written statement outlining the decision of the panel must be sent to the complainant and Headteacher. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.
- 3.19 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 pupils' personal records.

Stage 4: Review by the Local Education Authority

4.1 The LEA offers a further right of appeal for parents who have exhausted the school's procedures, if the complaint is about:

- The national curriculum and related matters
- Provision of collective worship and religious education

For general complaints about the school, the LEA has no remit or powers beyond reminding schools of their legal obligations. Therefore, for individual complaints which relate to internal school matters and have exhausted the school's own complaints procedure, there is no right of appeal to the LEA as it has no powers to direct the school to change its decision.

4.2 Parents should be reminded that the governing body has a largely strategic role and is responsible for the school's strategic framework including its aims, objectives, priorities, targets and policies to achieve those aims and objectives. The Headteacher is responsible for the internal organisation, management and control of the school and for advising on and implementing the governors' policies. The Headteacher is solely responsible for making day-to-day decisions.

Stage 5: Secretary of State

- 5.1 Complaints can be taken to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the grounds that a Governing Body or LEA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LEA has failed to discharge its duties under the Act. The Secretary of State may contact the governing body or the LEA for more information in order to consider the complaint.

Stage 6: The Local Government Ombudsman

- 6.1 Complaints about the misadministration of Local Authority services including the way it operates any general school complaints procedure could be made to the ombudsman. However the ombudsman does not look at internal school management matters and usually expects thorough attention to have been given to a complaint locally, before further investigation.

School's Policy towards Vexatious or Abusive Complaints

Vexatious Complaints

Complaints become vexatious when they are:

- Repeatedly and obsessively pursued; or
- Unreasonable or seeking unrealistic outcomes; or
- Reasonable but pursued in an unreasonable manner.

Under these circumstances the Headteacher and/or Governing Body should be informed, whereby, a decision will be taken to either direct all future correspondence and dealings to a named individual and/or restrict to only one form of communication, e.g. letter only.

If a conclusion has been reached about a complaint, but the complainant continues to pursue it, the school will either:

- Reiterate that the matter has been concluded and that there will be no further correspondence with regard to the complaint.
- Inform the complainant that, if correspondence continues, it will be recorded/read and filed with no acknowledgement forthcoming.
- Provide a short response referring to the previous documents that have already dealt with the matter.

Abusive Complaints

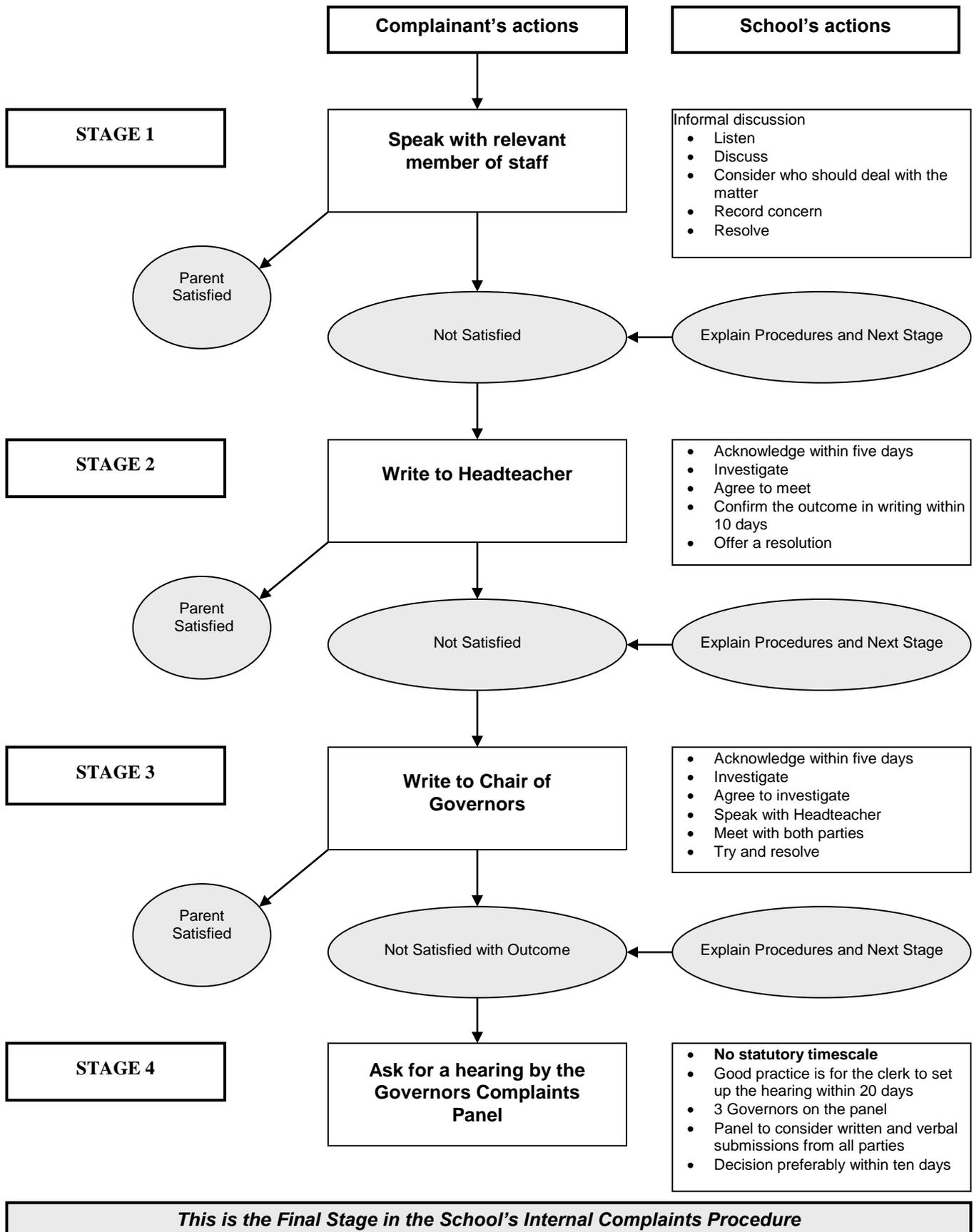
Verbal aggression can be as intimidating as physical aggression, both of which the school will not tolerate. All parties have a right to be treated courteously and with respect at all times. If staff feel threatened, they should report their fears to the Headteacher or Chair of the Governing Body immediately, whereby one of the following actions will be taken:

- A formal letter to the complainant requesting that the behaviour cease.
- Setting restrictions, in writing, for any further contact with staff.
- Report the incident to the police.

If a telephone call becomes aggressive or offensive, the person taking the call should explain that they will end the call if the behaviour persists. If they need to hang up, they should record the action and any further incidents.

Repeated abusive behaviour or aggressive contact will be considered as harassment and reported to the police.

Appendix A – Stages for Handling Complaints



Appendix B – Complaints Book

Elvetham Heath Primary School			Complaints Book				Page 1	
Ref. No.	Date	Name	Address	Telephone	Summary of complaint	Referred to	Date Resolved	
EH0001								
EH0002								
EH0003								
EH0004								
EH0005								
EH0006								

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Ref. No.	Date	Name	Address	Telephone	Summary of complaint	Referred to	Date Resolved
EH0007							
EH0008							
EH0009							
EH0010							
EH0011							
EH0012							

Appendix C – 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 want 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, this will remain confidential. It is difficult for us to investigate properly an incident or problem that has 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. Any teacher or support staff can help you find the right member of staff. If you have a complaint that you feel should be looked at by a manager you can contact one of the Deputy Headteachers. 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 in to the school office. You may wish to take a friend or relation to the appointment to provide support or speak on your behalf. 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 Deputy Headteacher's initial reaction if he/she has already been involved) you can make a complaint to the Headteacher. This should be made in writing.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors now. Please address correspondence for the Chair of Governors c/o the school office. You may also find it helpful at this stage to have a copy of the full statement of the General Complaints Procedure as this explains in detail what procedures are followed. This is available from the school office.

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 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 able to give it a fresh assessment. You will be invited to attend and speak to the panel at a meeting that the Headteacher will also attend. The General Complaints Procedures statement explains 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 Education Authority or the Secretary of State for Education and Employment. Again there is more information on this in the General Complaints Procedure.

Appendix D – Complaints Form

When we receive a complaint, we aim to acknowledge its receipt within 5 days and send a full or interim response within 10 days.

Name of Parent or Guardian:	
Pupil's name:	
Address:	
Post Code:	
Telephone (Day):	Telephone (Eve):
What is your concern and how has it affected you ?	
Are you attaching any paperwork ? If so, please list this below:	

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Have you discussed this matter with a member of staff before completing this form ? If so, who did you speak with and what was the response ?

What would you like to happen as a result of making this complaint ?

Signature

Date

Official use only

Initial response and
acknowledgement:

By Whom:

Date:

Complaints reference number:

Action taken:

Date:

Data Protection Act 1998 – We will only process your personal data to respond to your complaint. In general, this data will be used for administrative and statistical purposes.