

COMPLAINTS PROCEDURE FOR HIGHFIELD PRIMARY SCHOOL

Whenever possible, we prefer to resolve any concerns informally, so as to make the best use of valuable time in supporting all the children in our care.

If, therefore, you have any concerns at all about your child's education or welfare at school, please speak to your child's class teacher in the first instance, or contact us via the school office to arrange an appointment to discuss your concerns. We will then explain what actions we can take to help to resolve the problem.

From time to time, situations will arise where parents feel that they must state their concerns more formally. The procedures set out in this document explain how we handle such cases.

We recognise that parental concerns can give rise to stressful situations for families and the school staff. We therefore ask you to bring your concerns to us in a spirit of positive willingness to seek a solution.

As partners in your child's education, we all need to approach any difficulties calmly, and without aggression, so that we can work on the problem constructively together.

INTRODUCTION

This policy is for most general complaints which a school is likely to receive from parents.

It is not intended to cover those aspects of school life for which there are specific statutory requirements, in particular complaints about

- the delivery of the National Curriculum
- the provision of collective worship and religious education.
- an LEA's decision about special needs assessments. Parents may appeal to the SEN Tribunal.
- concerns about schools admissions and exclusions also have specific appeal rights.
- allegations of child abuse, financial improprieties or other criminal activities will need to be dealt with through different procedures
- complaints about contracted staff.
- some complaints about general matters of policy, such as the overall resourcing of a school, would also need to be dealt with differently.

Education Leeds have established a procedure for dealing with complaints about the above.

GENERAL PRINCIPLES: As part of the general home/school policy, parents and pupils should be encouraged to express their views on what goes on within school, so that staff receive an early warning of potential difficulties, and problems can be prevented from arising whenever possible.

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

AIMS:

- To resolve concerns through informal discussion at the earliest stage
- To ensure that complainants feel that their concerns will be dealt with as quickly and effectively as possible
- To deal with complaints quickly, with well-defined timescales and named contacts
- To focus on resolution and review rather than blame
- **To be published and easily accessible to all**
- To ensure confidentiality and discretion
- To provide a fair and transparent investigative procedure for staff and complainants

STAGE 1: THE FIRST CONTACT: GUIDELINES FOR DEALING WITH CONCERNS AND COMPLAINTS INFORMALLY

1.1 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or Headteacher, depending on whom the parent first approached.

1.2 Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent.

1.3 At first it may be unclear 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.

A procedure for the school to use at Stage 1

1.4 Parents have an opportunity for discussion of their concern 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.

1.5 If the member of staff first contacted cannot immediately deal with the matter, s/he makes a clear note of the date, name, contact address or phone number.

1.6 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.

1.7 The Headteacher may decide to deal with concerns directly at this stage.

1.8 If the concern relates to the Head Teacher, the parent is advised to contact the Chair of the Governing Body.

1.9 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.

1.10 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 given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

Stage 2: REFERRAL TO THE HEADTEACHER FOR INVESTIGATION

2.1 At this stage it has become clear that the concern is a definite complaint. In some cases the Headteacher has already been involved in looking at the matter; in others it is their first involvement. In either case, it is helpful for the Headteacher (or the person delegated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

2.2 As the Headteacher has responsibility for the day-to-day running of the school, he / she has responsibility for the implementation of a complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various "stages" in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person. The Headteacher will make arrangements to ensure that his/her involvement will not predominate at every stage of a particular complaint. For example arrangements may be made for other staff to deal with parents' concerns at stage 1, while the Headteacher deals with contacts with parents at stage 2. Even at that stage the Headteacher may designate another member of staff to collect some of the information from the various parties involved. In some cases, the Headteacher may be so involved at Stage 1 that Stage 2 has to be carried out by the Chair of the Governing Body.

A procedure for school to use at Stage 2

2.3 The Headteacher (or designate) acknowledges the complaint orally, or in writing, within 3 working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaint 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.

2.4 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, s/he 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.

2.5 If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/guardians present. In some situations, 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. 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.**

2.6 The Headteacher (or designate) keeps written records of meetings, telephone conversations, and other documentation.

2.7 Once all the 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.

2.8 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.

2.9 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 Complaints only rarely reach this formal level. At this stage, the school should seek advice from any relevant authority e.g. LEA, This can provide a useful "outside view" on the issues.

3.2 It is important that this review not only be independent and impartial but that it be seen as so. Therefore, the full governing body should not consider individual complaints, as serious conflicts of interest can arise. For example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly some governors might have previous knowledge of the problem which led to the complaint and would be unable to give fair unbiased consideration to the issue.

3.3 Many complaints are inevitably seen by parents as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure, and it may be appropriate for the Governing Body to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

A procedure for review by the Governing Body

3.4 Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed.

3.5 The Clerk to the Governing Body should write to the complainant to acknowledge receipt of the written request. 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.

3.6 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.

3.7 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.

3.8 The Chair/Vice-Chair will ensure that the complaint is heard by the Panel within 20 working days of receiving the letter in 3.5. 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.

3.9 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/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

3.10 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. Any relevant documents including the Headteacher's report should be received by all concerned, including the complainant, at least 5 working days prior to the meeting.

3.11 The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.

3.12 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.

3.13 The aim of the meeting should be to resolve the complaint and achieve a 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 which will satisfy the complainant that his or her complaint has at least been taken seriously.

3.14 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.

3.15 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.

3.16 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
- 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

3.17 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 15 working days. The complainant, Head teacher, other members of staff and witnesses will then leave.

3.18 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, (b) decide upon the appropriate action to be taken to resolve the complaint and, where appropriate, (c) suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

3.20 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.

3.21 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 4: REVIEW BY THE LEA

4.1 Some LEAs do not become involved, but others are willing to investigate complaints brought by parents of children at county schools. Two models are in fairly wide usage: independent panels and mediation services.

4.2 In the former case, if a complainant wishes to go beyond the governors complaints panel, the LEA will set up an independent arbitration panel consisting of a councillor, a governor and a parent, none of whom would have had a connection with the school or the complainant. The members of the arbitration panel would be advised by a senior officer and would all have received training in or have previous experience of the working of appeals committees. Both parties would be encouraged to agree beforehand to abide by its findings; if not, the arbitration panel can only express a view about the complaint and the means of resolving it. The arbitration panel has no legal basis for imposing its will.

4.3 Where mediation services are available, the statement sent to the complainant must explain that the decision of the Governing Body Panel is final but that there is an LEA team of officers who offer consultation, investigation and mediation services at the request of either party.

CHART: STAGES FOR HANDLING COMPLAINTS

Appendix A:

CONCERNS AND COMPLAINTS ABOUT SCHOOLS

Guidance notes for parents

If you have a concern or complaint

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

What to do first

Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher. If you have a complaint which you feel should be looked at by the Headteacher, 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 in to the school office. You can take a friend or relation to the appointment with you if you wish.

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 share your point of view, but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

What to do next

If you are dissatisfied with the teacher's response (or with the Headteacher's initial reaction if he/she has already been involved) you can make a complaint to the Headteacher. This should be made in writing. Help with this is available from Parent Partnership.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors. You can contact him/her by writing to school.

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 about 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 which 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.

