

Priory School

Dealing with
Complaints

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- Since 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also states that the procedure must be publicised. Details of the legislation can be found in Appendix 1. Please note that this legislation does not include Academies. Information regarding making a complaint about an Academy can be obtained from the Department for Children, Schools and Families. (See contact details on page 9)
- There are certain complaints which fall outside the remit of the governing body's complaints procedure, for example, staff grievances or disciplinary procedures. Separate procedures should be in place for dealing with these cases.
- In addition, it is recommended that the governing body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, should have their own complaints procedure in place.

GENERAL PRINCIPLES OF COMPLAINTS

DEALING WITH COMPLAINTS - INITIAL CONCERNS

- It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.
- In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It is helpful if staff are able to resolve issues on the spot, including offering an apology where necessary.

DEALING WITH COMPLAINTS - FORMAL PROCEDURES

- 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.
At Priory School, the Headteacher is the school's 'Complaints Co-ordinator'. The Clerk to the Governors supports the recording and monitoring of complaints.
- It is important to be clear about the nature of the complaint, what has happened to date and what the desired outcome is from the complainant.

To help with this we ask that all evidence is accompanied with a summary using Appendix VI which should be returned to the school.

FRAMEWORK OF PRINCIPLES

IN PRIORY SCHOOL WE AIM TO RESOLVE PROBLEMS BY INFORMAL MEANS WHEREVER POSSIBLE

The Complaints Procedure should: -

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary

- respect people's desire for confidentiality
- address all the points at issue and provide an effective response and appropriate redress, where necessary
- provide information to the school's senior management team so that services can be improved

INVESTIGATING COMPLAINTS

- At each stage, the person investigating the complaint will ensure 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 a potential resolution should be considered. 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 is useful if complainants are 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.

- The procedure should aim to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

UNREASONABLY PERSISTENT COMPLAINTS

- It is our aim that the procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. (See – Further Recourse)

TIME-LIMITS

- Complaints need to be considered, and resolved, as quickly and efficiently as possible, including realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay. It is recommended that time limits are set using school working days i.e. excluding school holidays.

THE FORMAL COMPLAINTS PROCEDURE

THE STAGES OF COMPLAINTS

- At Priory School, the complaints procedure has well-defined stages. A chart of the stages can be found in Appendix 5.
- At each stage it is important to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher after a meeting with the complainant.
- Priory School complaints procedure has three stages: -
 - Stage one - Complaint submitted to headteacher, verbally or in writing
 - Stage two - Complaint submitted to the chair of governors
 - Stage three - Complaint reviewed by the governing body's complaints panel

If you go through all three stages and remain dissatisfied, please contact:-

Secretary of State,

- Department for Education
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

Tel: 0370 000 2288

<http://www.education.gov.uk/help/contactus>

If the complaint concerns the conduct of the headteacher or a governor or where a headteacher or governor has been involved in the issue previously, advice should be sought. Please contact: -

Personnel and Training

Please contact your allocated Personnel Officer

The complaints procedure can be found in Appendix 2.

MANAGING AND RECORDING COMPLAINTS

RECORDING COMPLAINTS

- It is helpful if the progress of the complaint and the final outcome are recorded. A complaint may be made in person, by telephone, or in writing. The complaint form can be found in Appendix VI. At the end of a meeting or telephone call, it is helpful if the member of staff has 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 clerk is responsible for the records and holds them centrally.

GOVERNING BODY REVIEW OF COMPLAINTS

- The governing body monitors the level and nature of complaints the school receives and reviews the outcomes on a regular basis to ensure the procedure is operating effectively and to make any amendments where necessary. Preferably, complaints information shared with the whole governing body will not name individuals.
- As well as addressing an individual's complaints, the process of listening to and resolving complaints contributes to school improvement. The monitoring and review of complaints by the school and the governing body is a useful tool in evaluating the school's performance.

PUBLICISING THE PROCEDURE

- The complaints procedure is publicised in the following ways: -
 - on the school website and intranet
 - the information is given to new parents when their children join the school
 - in the home-school agreement
 - in the school newsletters
 - documents supplied to community users including course information or letting agreements

FURTHER RECOURSE

SECRETARY OF STATE FOR EDUCATION

- Under section 496 or 497 of the Education Act 1996, complainants have a right of appeal to the Secretary of State for Children, Schools and Families if they believe that the Local Education Authority has acted unreasonably.
- If the Secretary of State agrees that a complaint is justified, the Department for Children, Schools and Families has the power to require the Local Education Authority to take certain actions including the issuing of instructions to school governing bodies in appropriate circumstances, although in practice this would be very rarely exercised.
- The Secretary of State would not take action until the school procedures have been completed.

CONTACT DETAILS: -

Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street,
London
SW1P 3BT

Tel. 0370 000 2288

Email: complaints@dcsf.gsi.gov.uk

LOCAL GOVERNMENT OMBUDSMAN

- If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to the Local Government Ombudsman. The Ombudsman can investigate complaints about how something has been done but he cannot question what has been done simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools and colleges.
- The Ombudsman would not take action until the school procedures have been completed.

CONTACT DETAILS: -

Local Government Ombudsman Advice Team

Tel - [0845 602 1983](tel:08456021983) or [024 7682 1960](tel:02476821960).

You can also text 'call back' to 0762 480 4323.

Email: advice@log.org.uk

SCHOOL COMPLAINTS LEGISLATION

SECTION 29 OF THE EDUCATION ACT 2002 REQUIRES THAT: -

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

SECTION 39 OF THE EDUCATION ACT 2002 PROVIDES THE FOLLOWING: -

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

'Maintained nursery' school means a nursery school which is maintained by a local education authority and is not a special school

PRIORY SCHOOL COMPLAINTS PROCEDURE

INFORMAL STAGE -	COMPLAINT HEARD BY STAFF MEMBER
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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.

Agreement will be made regarding the levels of confidentiality of discussions at the earliest stage to support the safeguarding of any student who maybe named in a complaint.

Priory School respects the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints coordinator can refer the complainant to another staff member. Where the complaint concerns the headteacher, the complaint can be referred to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints coordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step is to refer the complainant to the appropriate person 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 ONE -	COMPLAINT HEARD BY HEADTEACHER
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The headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at the informal stage. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

STAGE TWO -	COMPLAINT HEARD BY CHAIR OF GOVERNORS
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The complainant asks for a review of their complaint by writing to the Chair of Governors care of the school, making it clear why they are complaining, who they have already spoken to and what they want to happen as a result of their complaint. Complaints made to the chair should be acknowledged within **5 school days** with a substantive response within **15 school days**. The chair may need to hold interviews with the headteacher and possibly other members of staff and notes should be kept of those meetings.

The letter conveying the Chair's findings should include details of the next stage of the procedure.

The chair may need to explain the power of the governing body in the matter in question and the extent it may be possible to achieve the outcome desired by the complainant.

STAGE THREE -

COMPLAINT HEARD BY GOVERNING BODY'S COMPLAINTS PANEL

The complainant should write to the Chair of Governors explaining why they are dissatisfied with the way the complaint has been handled and give an indication of what may lead to a resolution. The Chair, or a nominated governor, will convene a complaints panel. The governors' complaints panel is the last school-based stage of the complaints process, and is there to ensure that the complaint has been properly handled.

Individual complaints would not be considered by the whole governing body at any stage, as this could compromise the impartiality of any panel reviewing individual appeals set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures
- hearing individual appeals
- making recommendations on policy as a result of complaints

The procedure adopted by the panel for dealing with complaints would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

The panel may deem it appropriate to review the complaint through written submissions.

ROLES AND RESPONSIBILITIES

THE REMIT OF THE COMPLAINTS PANEL

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 does not recur

There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the panel 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. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the complaints panel, which needs to 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 the complainant might not be satisfied with the outcome if the panel 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.
- The panel 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.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the panel, if any, the child needs to attend.
- The governors sitting on the panel need to be aware of the complaints procedure.

THE ROLE OF THE CLERK

The panel or group of governors considering complaints will be clerked. The clerk would be the contact point for the complainant and be required 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
- notify all parties of the panel's decision

THE ROLE OF THE CHAIR OF GOVERNORS OR THE NOMINATED GOVERNOR

The nominated governor role:

- check that the correct procedure has been followed
- if a panel is appropriate, notify the clerk to arrange it

THE ROLE OF THE CHAIR OF THE PANEL

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a meeting are put at ease
- the panel is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it

NOTIFICATION OF THE PANEL'S DECISION

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

CHECKLIST FOR THE COMPLAINTS PANEL

Prior to the panel meeting a programme of events will be sent to all attending. This will detail:

- The nature of the complaint being investigated
- The documentation which will be used (copies of the paperwork will be complainant, school representative and the panel members)
- The approximate timings allocated to each aspect of the meeting. As a rule of thumb each representation should take no more than 20 minutes

All written documentation must be seen beforehand by all parties.

The meeting should be as informal as possible.

The meeting is for the governing body panel to decide whether or not the school acted properly and the correct process was adhered to, and therefore whether or not the complaint should be upheld by the panel.

The panel will decide by examining carefully written representations from both the complainant and school.

The complainant is invited to attend to expand on their written account of events but it may not be necessary and the complainant may choose not to attend. If the complainant chooses to attend he/she may bring up to two others in support.

The complainant may also ask for others' written accounts of events to be taken into consideration, who will also be invited to attend to expand on their written account, if they choose to do so.

If the complainant wishes to ask further questions of the school or a member of staff relevant to the complaint at this point – this will be done through the chair of the panel.

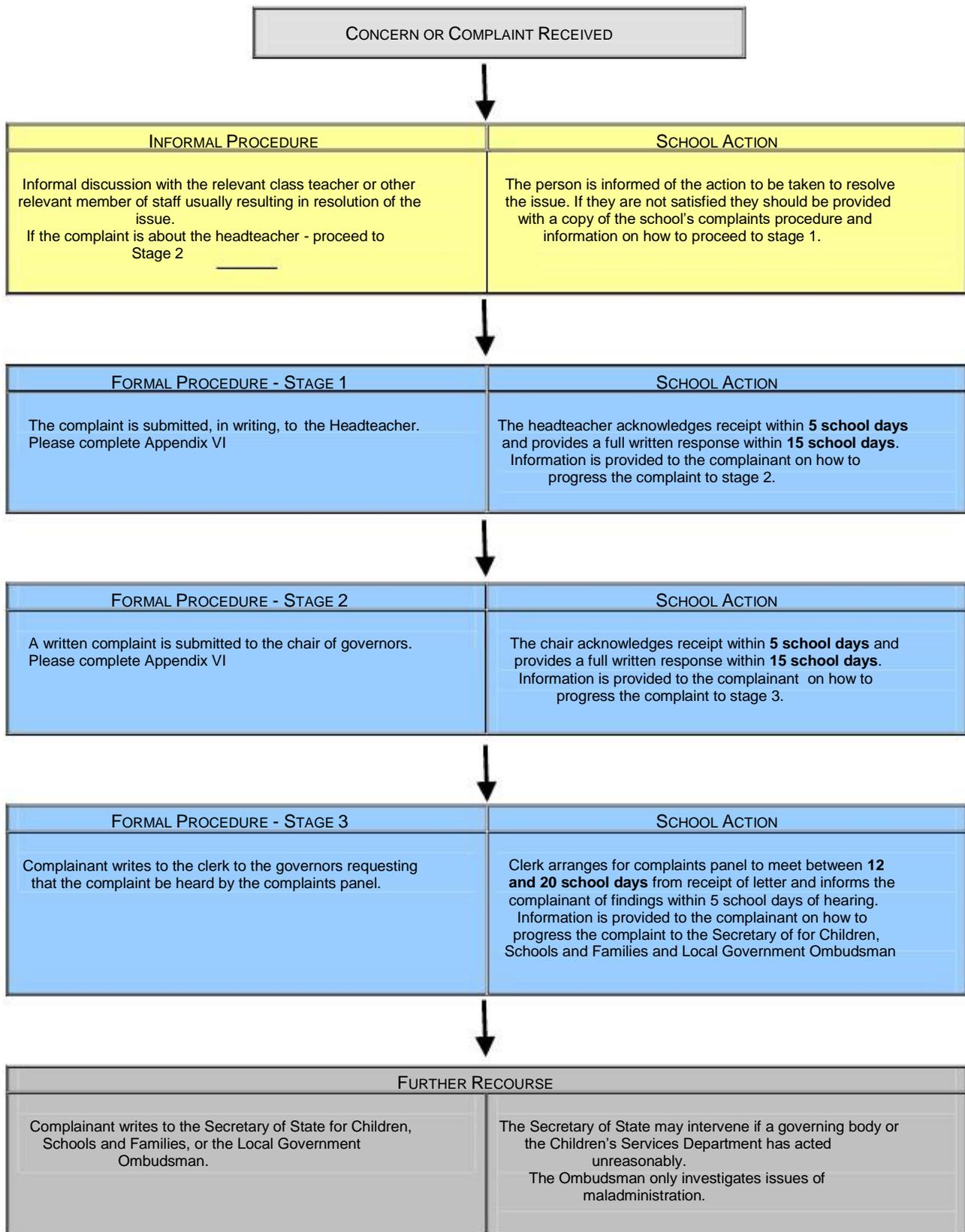
The complainant and supporters will then leave proceedings.

The Headteacher may be invited to expand on the schools written account if appropriate and explain the school's actions. The Headteacher is also allowed to ask for others' written accounts to be taken into consideration, who will also be invited to attend to expand on their written account, if they choose to do so.

If the Headteacher wishes to ask questions of the complainant at this point this will be done through the chair of the panel, who will contact the complainant for clarification.

The panel will then inform the complainant and the school of their decision within 5 school days from the date of the panel meeting.

PRIORY SCHOOL COMPLAINTS FLOW CHART



PRIORY SCHOOL COMPLAINT FORM

Please complete and return to **Emma Brinkhurst / Karen Clinton** who will acknowledge receipt and explain what action will be taken.

YOUR NAME:	
PUPIL'S NAME:	
YOUR RELATIONSHIP TO THE PUPIL:	
ADDRESS:	
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?	

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ARE YOU ATTACHING ANY PAPERWORK? IF SO, PLEASE GIVE DETAILS.
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SIGNATURE:	
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DATE:	
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OFFICIAL USE: DATE ACKNOWLEDGEMENT SENT:	
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BY WHOM:	
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COMPLAINT REFERRED TO:	
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DATE:	
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