



ST MICHAEL'S  
C of E PRIMARY  
HIGHGATE

# Complaints Procedure

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*To nurture and inspire our children to develop a love of learning in a supportive Christian community and become the best they can be*



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## **Policy and General Complaints Procedure**

### **Short Summary**

This policy is for general complaints only. All matters raised about school issues by parents, carers or others may be called Concerns. Not all, but some, may be expressions of dissatisfaction. If a concern cannot be resolved informally at any point it may pass through two stages, if Stage 1 does not satisfy the complainant. Stage 1 requires a decision made by the Head Teacher. Stage 2 is a decision reached by a Governor's Complaints Appeal Panel.

### **Introduction and Background**

1.0 This policy is a requirement of the Education Act 2002, including that the policy be publicised. There are separate procedures at school and LEA level for the following issues and this policy does not relate to those:

- Complaints against the curriculum, including RE and collective worship
- Staff grievance & disciplinary procedures
- Charging for school activities
- Information to parents on educational achievements
- Special educational needs
- Admissions and exclusions

1.1 A primary distinction made in this policy is between a concern and a complaint. Most concerns and complaints covered by this policy will be raised by parents and carers about welfare and progress of pupils, most often, but not always, about a particular pupil. However, this policy also covers areas of concern and complaint only indirectly linked to pupils, such as, for example, the school's communications with parents, the school's policy or actions on any general school matter or decisions of the governing body which are not covered by complaints procedures other than this one.

1.2 A concern, for the purpose of this policy, is any issue directly or indirectly relevant to the welfare and educational progress of a pupil or pupils, which is raised informally with school staff or governors. It does not necessarily imply dissatisfaction but will certainly be something that is on the parent's mind and which arises from what is happening in school. The school seeks to respond to concerns and resolve them informally; this is without resort to the formal complaints procedure. This includes, where a concern; which takes time to resolve, 'keeping an eye' on the issue to ensure it is resolved in the end. General principles apply, but there is no rigid procedure for dealing with a concern; different concerns may be resolved in different ways.

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1.3 A complaint is a formal expression of dissatisfaction, usually but not exclusively, about a matter relevant to the welfare and educational progress of a pupil or pupils. It will automatically trigger the formal complaint procedure laid down in this policy.

1.4 The procedure for handling concerns and complaints in this policy arises from previous policy, presents 'custom and practice' and experience since the last policy was made. It is very much our own policy, but no doubt bears similarities to those of other schools.

1.5 The formal complaint procedure laid out in this policy draws on both the DfES Model School Complaints Procedure 2014, (DfES) and Working Together, guidance Relating General Parental Complaints in Voluntary Aided & Foundation Schools- LDBS, 2ND Edition, 2001 (LDBS). The school and governors continue to consider advice and ideas contained in these and other documents even if the detail is not included in this policy for reasons of economy.

1.6 The governing body will publicise this policy to parents and carers in whatever way it sees fit. It is hoped that anyone, before making a formal complaint, will study this policy and it will be made available to all interested parties.

### **General Principles**

2.0 A successful school relies on a working partnership between staff, governors, parents, pupils, the LEA, Our Diocesan Board and the local community.

2.1 The greatest priority in this partnership is the welfare and achievement of our pupils and we believe in a remarkable commitment made to this end at St Michael's

2.2 There is therefore a constant level of concern about myriad matters of school life and these may emerge explicitly as issues for improvement which may involve changes to school life and procedure.

2.3 Not all of us may share a concern or agree with it initially but this policy relies on a commitment from all of us to listen and put ourselves in the shoes of those with a concern.

2.4 The governors and staff of this school are committed to responding to 'criticism and challenge and to respond positively to these in order to bring about improvement' (LDBS p1)

2.5 Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. (DfES Pt 1)

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2.6 With concerns and complaints, where there is conflict and disagreement, all of us share a commitment to establish the facts and agree on them.

2.7 Successful organisations resolve complaints well and wisely and so improve the service. While not common occurrences, complaints in themselves are not an indication of weakness or failure of organisation.

### **Resolving Concerns**

2.8 Concerns about decisions of the governing body should be addressed to a governor who, if not the Chair, will normally pass them on immediately to the Chair.

2.9 Concerns about general matters of school life or issues that do not relate directly to a pupil or pupils, should be addressed to the Head Teacher or Deputy Head Teacher.

2.10 Concerns about the welfare or progress of a pupil or pupils should initially be addressed to the class teacher. The concern will often be resolved quickly in discussion with the class teacher alone. However, the teacher may wish to take the concern to the Head Teacher or Deputy, or discuss it with any member of staff before coming back to the person raising the concern. Those raising a concern may decide to take their concern directly to the Head Teacher at the outset, although most concerns can and should be raised and resolved at the level of the responsible member of staff, the class teacher.

2.11 At times, at the start of the school day but usually at the end, it may be possible to raise matters informally with class teachers. Staff are quite right, if they do not have time to spend on the matter then, to propose and organise a more suitable time to meet.

2.12 It is useful, when a concern has been dealt with, for both or all parties to establish they are happy with the outcome and it is resolved. This may not be possible on the spot, but require further time to consider and organise a solution or to see if action has worked.

2.13 There is no hard and fast rule, but where a member of staff feels a concern needs advice or consultation then this should be said to the person raising the concern and a further meeting arranged or an agreement.

2.14 Where any member of staff feels a concern raised may have disciplinary implications they should pass on the matter immediately to the Head Teacher.



2.15 Staff and governors are constantly aware of confidential information and those who raise concerns may possess such information or become aware of it. All those involved in the discussion of a concern are aware of the responsibilities involved in respecting confidentiality at every step. To limit discussion of an issue involving confidentiality only to those with a direct involvement or professional responsibility for the issue is a major principle. In matters of high sensitivity and confidence it is useful to agree the 'circle of confidence' –those who know- and only break the circle of confidence with permission. In matters of great confidentiality it is usually the Head Teacher and Chair who should progress the concern.

2.16 All parties to a concern are advised to follow at least most of these processes: express the concern, agree when and where to meet to discuss it, establish the facts, agree a solution, agree when the concern is resolved.

- Express the concern
- Meet to discuss
- Agree the facts
- Establish if the concern is shared
- Agree a solution
- Agree if there is a resolution.

### **Formal Complaints Procedure – General considerations**

3.0 If informal attempts at resolution fail then a complaint may be made. The school will advise this as a course of action and promptly make all necessary information about how to complain available to the complainant.

3.1 A complaint may be notified in person by telephone or in writing and must be made to the Head Teacher. if not, put in writing initially, the complainant must put a complaint in writing to the head Teacher for it to be received as a complaint. A brief note of meetings and telephone calls will be kept in all written correspondence added to the record.

3.2. A Complaints Co-ordinator will be appointed by the Head Teacher for a specific complaint and is responsible for the records and will keep them centrally.

3.3 Complaints will not be accepted from pupils. It is the responsibility of the parents or carers of a pupil to make a complaint if they wish to do so. If it is necessary to discuss a complaint with the people to clarify fax or seek views parents or carers will be informed and maybe present at such a meeting if they wish. It is important all parties are not confrontational in anyway in the presence of the people and pupils will not be present at meetings where matters of adult confidentiality are discussed.

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3.4 If the complaint is against the action of the Head Teacher, the Head Teacher will refer the matter to the chair who will investigate and decide on the complaint. If the complainant will not accept the decision the matter must be considered by the Governor' Complaints Appeal Panel.

3.5 If the complaint is against an action of the Governing Body or its delegated committees or an individual governor, the Chair will investigate and decide on the matter. If the complainant will not accept the Chair's decision the matter must be considered by the Governor' Complaints Appeal Panel.

3.6 If the complaint is against an action of the Chair then the Governors' Complaints Appeal Panel will convene and hear the complaint and the chair will not be member of the Panel for that complaint. Similarly, a delegated committee or an individual governor will not be members of a panel if they are the subject of a complaint.

3.7 If the complaint involves a member of staff in any aspect implies or directly claims an infringement of staff discipline then the staff member must be informed and the matter dealt with under disciplinary procedures and not under this policy and the complainant informed this is the case. If the Chair decides there may be a disciplinary case to answer, the general complaint will be suspended at that point while the disciplinary matter is pursued. Once the matter is dealt with, the complainant must decide the general complaint or not.

3.8 For complaints concerning child abuse, the LEA Child Protection Officer will be immediately informed before any investigation takes place.

3.9 We aim to resolve complaints 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. Staff are aware of procedures or know what to do when they receive a complaint.

4.0 Where the first approach is made to a governor, he/she will refer the complainant to the appropriate person and advise them about the procedure. Governors will 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.

4.1 The Complaints Co-ordinator, responsible for investigating and managing a specific complaint, will

Establish what has happened so far, and who has been involved;

Clarify the nature of the complaint and what remains unresolved;

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Meet with the complainant or contact them (if unsure or further information is necessary);

Interview those involved in the matter and/or complained of, allowing them to be accompanied if they wish;

Conduct interviews with an open mind and be prepared to persist to questioning;

Keep notes of interview.

4.2 At each step in the procedure all parties should keep in mind ways in which a complaint can be resolved. It might be sufficient for the school 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 event complained 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.

4.3 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.

4.4 In a Voluntary Aided School such as ours, if all stages of the complaints procedure are exhausted and the complainant remains unsatisfied, there is no recourse or appeal for the complainant to the LEA in respect of the general complaints covered by this policy and the procedure. The decision of the Governing Body Complaints Appeal Panel is final.

4.5 If after all stages of the procedure having been followed, the complainant remains dissatisfied, the complainant becomes vexatious. If the complainant tries to reopen the same issue, the Chair will inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **Stages of Formal Complaints Procedure**

#### **Stage One**

5.0 Complaints received at Stage 1 will be investigated and decided within 21 school days. This is a maximum and the timescale may be shorter. During this time, the school and the complainant may continue to seek an informal solution.

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Complaints heard at Stage 1 will be decided by the Head Teacher and a letter to the complainant detailing the decision will be sent by the Head Teacher within 3 school days of the decision or earlier.

5.1 At Stage 1 there is no formal hearing but the Head Teacher, along with the Complaints Co-ordinator, will consult as necessary to investigate and decide on the matter and the complainant will be asked to at least one or more meeting to progress the complaint. Governors, including Chair will not be present at such meetings, but the Head Teacher may ask other school staff to be present as thought necessary. The complainant may be accompanied by a friend at any such meetings.

### **Stage Two: Complaint Heard by Governing Body Appeal Panel**

6.0 If a complainant is not satisfied with the Head Teacher's decision at Stage 1, he or she must write to the Chair of Governors saying so and giving the reasons for continued dissatisfaction, within 21 days of the decision of Stage 1. The Chair, or a nominated governor, will then convene a Governing Body Complaints Appeal Panel to take place normally within 21 school days of receipt of the Stage 2 complaint.

6.1 In meantime, the Chair will investigate the complainant including its history.

6.2 During this time, the school, Chair and the complainant may continue to seek an informal resolution.

6.3 The Governors' Appeal is a formal panel hearing and is the final school-based stage of the complaints process, and is not convened merely to rubber-stamp previous decisions.

6.4 Complaints will not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

6.5 The governing body may nominate a number of members with delegated powers to hear a complaint at Stage 2, and set out its terms of reference. These include:

Drawing up its procedures Hearing individual appeals; Making recommendations on policy as a result of complaints
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The panel may be choose their own chair, including, but not necessarily, the Chair

6.6 The panel can:

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

6.7 The appeal hearing is independent and impartial. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it, except the Chair whom the Head Teacher is free to discuss any complaint with at any stage. 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.

6.8 The aim of the hearing, which will be held in private, is to resolve the complaint and achieve reconciliations between the school and the complainant. However, it has to be recognised the complainant may not be satisfied with the outcome if the hearing does not find in your 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.

6.9 The complainant, with a friend if desired by the complainant, may be present throughout the hearing, but not the part involving deliberation or making of the final decision.

7.0 The panel may not be able to make a final decision at the hearing but must write to the complainant with their decision and any recommendations within 21 days.

7.1 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. Each side is given the opportunity to state their case and ask questions.

## **Appendix 1**

Checklist for a Panel Hearing

The panel needs to take the following points into account:

The hearing is as informal as possible

Witnesses are only required to attend for the part of the hearing in which they give their evidence and then must leave.

After introductions, the complainant is invited to explain the complaint, and be followed by the complainant's witnesses.

The head Teacher may question both the complainant and the witnesses after each has spoken.

The complainant may question both the head Teacher and the witnesses after each has spoken.

The panel may ask questions at any point

The complainant is then invited to sum up their complaint.

The Head Teacher is then invited to sum up the school's actions and response to the complaint.

The chair explains that both parties will hear from the panel within a set time scale.

Both parties leave together while the panel decides on the issues.

## **Appendix 2**

The following summary distils the school's policy and complaints' procedure. It is laid out and explained in complete detail in the full policy document, which all parents and carers are encouraged to read and study, especially if you are considering making a formal complaint. If you make a formal complaint you will certainly be given a copy of guidance.

We are legally required to have a school complaints policy. The governors welcome the opportunity to set out our policy. Above all we recognise that a school is much the better for a continuous and frank dialogue over parental concerns. St Michael's prides itself on the staff's willingness to discuss all parental concerns about school business, especially where there is a concern about the progress and welfare of pupils.

You will notice that a prime distinction is made in the procedure between raising informal concerns and taking them further by making a formal complaint. We want to emphasise that voicing a concern in no way is seen as making a formal complaint. That more formal stage will open up only if you decide your concerns have not been met by the school and you wish to take them further. Even if you initiate the complaint procedure the issue can be resolved informally at any point if both sides agree. Please be reassured that raising concerns or making a formal complaint in no way will prejudice the equal treatment of your child as a pupil at the school.

The policy has been agreed by governors and will be consulted on with the teaching staff and publicised to parents.

The Governing Body