Fringford C of E Primary School Complaints Procedure

Governors of Fringford C of E Primary School have adopted the following procedure to deal with formal complaints from members of the school community or general public

DfE guidance draws a distinction between Informal and formal stages. Points 1 and 2 are informal and Point 3 is the first formal stage.

Dealing with concerns at the earliest opportunity

If parents, pupils or members of the public have concerns they should:

1. Discuss their concerns with the member of staff most directly involved *and, if not satisfied*;
2. Discuss their concerns with a senior member of staff *and, if not satisfied;* ***(this stage will not apply in small schools)***
3. Discuss their concerns with the headteacher.

At each stage in the procedure, schools will want to keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or 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.

Complainants should be 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. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

SEND – The above principles apply to complaints from parents of children with Special Educational Needs. In the event that the complaint specifically references additional support required by a pupil, a meeting must be arranged to discuss the matter with the school SENCo.

Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the Chair of Governors or Clerk to the Governing Body.

If the headteacher considers s/he can do no more to resolve the complaint it should be stated explicitly that the complainant can write to the Chair of

Governors if not satisfied. Complainants should be encouraged to take this step because an unresolved complaint can become a festering sore.

Principles informing our complaints procedure

This procedure is designed to:

- be well publicised and easily accessible
- 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
- allow a mediation process if agreed by the complainant
- allow for a hearing of a panel of Governors, where appropriate
- respect people's desire for confidentiality, wherever possible
- address all points of issue, provide an effective response and appropriate redress where necessary
- provide information to the school's Senior Management Team so that services can be improved.

This is the second formal stage in the DfE model

Making a Complaint to the Governing Body

Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write to the Chair of Governors or Clerk to the Governing Body at the school address. The envelope should be marked 'FOR IMMEDIATE ACTION' and staff in the school office must ensure that the letter is forwarded without delay.

The complainant will be asked to complete a complaint form (Annex 1) if they have not already done so. The Chair of Governors or Clerk will offer to help an individual to complete the form if appropriate

On receipt of the complaint form the Chair of Governors (or other governor) will:

- 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.

At this point the chair of governors will decide whether the complaint should go straight to the governors' complaints panel or whether a mediation stage should be offered. Mediation can only proceed if the complainant and the headteacher are willing for it to be tried. If mediation is not successful, the complaint will be considered by the governors' complaints panel.

Mediation

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and headteacher another opportunity to hear each other's points of view (with a third party facilitating)
- It gives the third party an opportunity to help headteacher and complainant identify and build on areas of agreement

- It gives headteacher and complainant a structure within which they can resolve remaining differences.
- If both complainant and headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a governors' panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part.
- 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.

This is the third formal stage in the DfE model

Governors' Complaints Panel

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of Governors.

The complainant may bring a 'friend' to that panel.

Establishing a complaints panel.

• The governing body should agree the composition of the complaints appeals panel at the first meeting of the governing body each year.

• As governors may not be available at all times governing bodies are advised to agree the names of 4 or 5 possible governors from whom a panel of three may be drawn. The decision about the membership of a particular panel will depend on factors such as availability, whether any governors have prior knowledge etc. and the decision will be made by the chair of governors.

• When the clerk of governors receives a copy of the complaint form he/she will inform the governing body that a complaint has been received and that it has been passed to the panel to deal with. **No further information about the complaint should be shared with other governors**.

The clerk is responsible for obtaining papers setting out the case from both sides, with any supporting evidence. These should be copied and sent to panel members, parent(s) and headteacher five working days before the hearing. This ensures that everyone has ample time to read and understand the papers.

Note: it would be very helpful for the clerk to number all pages before they are copied to make it easier for everyone to finding the right page.

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

a) It is important that the appeal hearing 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.
b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant
c) 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 not intimidating and not adversarial
d) Governors sitting on the panel need to be aware of the complaints procedure and any other procedures relating to the complaint eg. Anti-bullying policy..

The Chair of the Panel will be nominated by the Chair of Governors and is responsible for ensuring that both complainant and headteacher are given a fair hearing and that the panel arrives at its judgement without fear or favour.

Remit of the panel: the complaints 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 problems of a similar nature do not recur.

It may:

- Consider and, if appropriate, criticise the way in which an operational decision was communicated – **but cannot overturn the decision itself**
- Consider the thoroughness with which the headteacher investigated a complaint about a member of staff **– but cannot expect the headteacher to provide details about confidential discussions with that staff member**.
- Consider the manner in which a complaint about any decision was addressed – **but cannot expect the headteacher to have changed the decision**
- Consider and, if appropriate, identify limitations in a policy or procedures – **but cannot make or improve policy.** (It can, however, recommend that the policy be reviewed by the governing body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy)
- Consider whether it should recommend that the governing body offer appropriate redress

Format of a Panel Hearing

1. Complainant and headteacher will enter the room where the hearing is taking place together.
2. The chair will introduce the panel members and the clerk and outline the process.
3. The complainant is invited to explain the complaint,
4. The headteacher may question the complainant
5. The panel will question the complainant
6. The headteacher is then invited to explain the school's actions
7. The complainant may question the headteacher
8. The panel will question the headteacher
9. The complainant is then invited to sum up their complaint.
10. The headteacher is then invited to sum up the school's actions and response to the complaint.
11. The chair explains that both parties will hear from the panel within five working days.
12. The chair checks that both parties have said all they wanted to say and that they feel they have had a fair hearing. If either party says 'no' the chair should attempt to rectify that before the hearing ends.
13. Both parties leave together while the panel decides on the issues.
14. The clerk will remain with the panel to clarify

Notes

The hearing should be made as unintimidating as possible to all parties.

The panel may ask questions at any point if an immediate question will help to clarify a point. However, panel member discipline in following the format listed above will set a good example to the other parties about respecting the structure of the process. Panel members must find ways to ask probing questions while maintaining an air of impartiality.

The headteacher must have no contact with members of the governors' complaints panel except when the complainant is present to preserve the principle of neutrality. This means that headteacher and complainant enter and leave the room where the hearing is held together.

The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing – there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.

Some notes on exceptional circumstances

For the sake of clarity, the description above does not cover exceptional circumstances which might include:

1. **The chair of governors may not be able to find three governors who have no prior knowledge of the case**

   If a case has become a major talking point around the community, the chair can nominate three governors with minimal prior knowledge

   If there are still insufficient governors able to sit on a panel, the governing body in consultation with the Local Authority or Diocese will put in place an alterative fair process.

   Please consult Governor Services 01865 492047 in the first instance.

2. **In exceptional circumstances, it is possible that the complaint is not against the headteacher**

   A complaint to the governors' complaints panel will never be against a junior member of staff (it may be against the way the headteacher handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the headteacher. That would need to be considered very carefully but if agreed the senior manager would be 'the headteacher' for the purpose of the panel.

   There may be exceptional circumstances in which the complaint is against the chair of governors – e.g. for wilfully refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'headteacher' would be read as 'chair of governors'.

3. **The complainant and/or the headteacher may wish to call witnesses**

   The use of witnesses is discouraged. In nearly every case, a complaints panel will want to work with **written** witness statements if appropriate, but there may be particular circumstances where the presence of witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. They will remain outside the hearing room until called in to give their evidence. They can be questioned by the panel members and the other party. They will leave the room when their evidence is completed.

4. **The complainant may be a pupil at the school**

   Good schools encourage pupils to raise concerns and would expect to resolve them before it becomes a formal complaint to the governing body. If it is not resolved it would be very unusual if parents have not by picked it up and made it a parental complaint. However, if a pupil is the complainant, panel members will wish to ensure that the same process is followed but special consideration is given to ensuring that the child is supported and does not feel intimidated. The panel needs to give the views of the child equal consideration to those of adults.

Writing the decision letter

The clerk should ensure that s/he has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all three panel members, it should be sent to the complainant with a copy to the headteacher.

The letter should clearly express how seriously the panel considered the complaint.

The clerk should be careful that the letter sticks to the facts and gives no hint of partiality.

The clerk should ensure that the letter reaches the complainant and the headteacher by the deadline stated in your policy and/or in a statement by the chair at the end of the hearing – usually five working days.

Monitoring Complaints

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The monitoring and review of complaints by the school and Governing Body can be useful to evaluating the school's performance. Any discussion of complaints by the Governing Body or others in the school community should not name or be able to identify individuals.

The flowchart overleaf summarises the complaints process.

Complaints process from start to finish

Informal stage in DfE Guidance

Complaint is made to member of staff

Is complainant satisfied with the informal resolution? → Yes

No

First formal stage in DfE Guidance

Complaint is made to headteacher

- Acknowledge complaint received
- Inform complainant of outcome

Is complainant satisfied with the resolution? → Yes

No

Second formal stage in DfE Guidance

Complainant writes to Chair of Governors (or clerk)

Chair of governors clarifies nature of complaint through complaint form completed by complainant – with help if appropriate **within 5 working days**

Chair decides whether mediation should be offered to complainant **within 5 working days**

Mediation deemed not appropriate or offer rejected

Mediation offered and accepted

Mediation process within 10 working days

Is complainant satisfied with mediation resolution? → Yes

No

Third formal stage in DfE Guidance

Complaint form passed to Clerk to Governors **within 5 working days** of complainant expressing wish to go to governors' complaints panel.

Clerk sets up panel of Governors and contacts complainant with details of hearing and request for any further information.

Panel meets within **15 working days** of Clerk receiving form and makes decision communicated to all parties **within 5 working days**.

Is complainant satisfied with panel's decision? → No → Parents cannot take complaint to LA but can write to the Secretary of State

Annex 1 Model complaint form

Notes

The form overleaf can be used by any person making a complaint about the operation of the school which is not covered by an alternative specific procedure. Complaints will most often come from parents or carers but may also come from pupils/students or members of the public, e.g. school neighbours.

Anyone receiving this form should be advised verbally that help in completing it is available from the school. A member of school staff who is familiar with the process should be nominated to give help.

If it is appropriate for a member of staff to look into this complaint, it should be returned to the headteacher.

If it is appropriate that it should be dealt with by the governing body, it should be returned to the Clerk to the Governors at the school.

Fringford CE Primary School

Complaint form

Please complete and return to ……
who will acknowledge receipt and explain what action will be taken.

Your name: ……

Address: …….

……

……

Postcode: ……..

Daytime telephone number: ……...

Evening telephone number: ……...

If applicable, name of child(ren) at school:

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?)

Your relationship to the school, e.g. parent, carer, neighbour, member of public:

Continued overleaf

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature: ……..

Date: ……

Official Use:

Date of acknowledgement sent: …….

By Whom: …….

Complaint referred to: ……

Date: ……

Appendix 2
Sharing your concerns about your child's education
A guide to parents

Fringford CE Primary School recognises that at times things can go wrong. This guidance will help you understand how to resolve concerns you may have about your child's education.

The school has procedures for dealing with concerns or complaints and we value any feedback about our services, including compliments and suggestions. If you are concerned about any aspect of your child's education, you should contact the Headteacher.

The school's governing body has overall responsibility for the school and for ensuring the well-being of pupils and that all pupils receive an appropriate and high standard of education.

The headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. So you should contact the school if you are concerned about an issue such as:

- your child's academic progress
- special education needs provision
- your child's welfare
- bullying
- something that has happened in school.

How do I complain to the school?

First, we hope you will speak to the relevant member of staff as soon as you have a concern. This will be the class teacher (primary). This will be the form tutor, subject teacher, or head of year (secondary).
This informal approach is nearly always the quickest and most effective way of resolving your concerns.

If you feel that your concern has not been resolved, then it is important to speak to or write to the headteacher who will look into your concern.

If you are unhappy with the headteacher's response you should write with your complaint to the Chair of Governors/Clerk to the Governing Body at the school address. Mark your envelope 'FOR IMMEDIATE ATTENTION'.

This is how your complaint will be handled

Within 5 working days the chair of governors will clarify the nature of your complaint by asking you to complete a complaint form and will offer help in completing the form, if appropriate

Within 5 working days of receiving the form the Chair will decide whether mediation should be offered to help you and the headteacher explore possible resolution.

If mediation is agreed, the chair of governors will endeavour to set up the meeting **within 10 working days.** If that timescale is not possible you will be told the reason.

If mediation is not deemed appropriate or if it is not successful, the Chair of Governors or Clerk will set up a panel of governors to meet **within 15**

working days to consider your complaint. The clerk will provide details of the hearing and will request any further information you may wish to provide.

You will be able to bring a 'friend' with you to that hearing.

The complaints panel will consist of three governors who (as far as possible) will have no prior knowledge of the events being complained of. The panel will be supported by a clerk who will take notes during the hearing and will stay with the panel while they make their decision in case governors need to be reminded about responses to a particular question. The panel will hear the complaint impartially and make their decision without fear or favour.

Five working days before the hearing the clerk will send to you, the complainant, the headteacher and the three panel members, copies of all papers submitted by both sides so that there is sufficient time to read the evidence before the hearing.

At the hearing,

1. You and the headteacher will be invited into the room where the panel is being held at the same time.
2. After introductions, you, the complainant will be invited to explain your complaint,
3. The headteacher may question you
4. The panel will question you
5. The headteacher will be invited to explain the school's actions
6. You, the complainant may question the headteacher
7. The panel will question the headteacher
8. The panel may ask questions at any point.
9. You, the complainant will then be invited to sum up your complaint.
10. The headteacher will then be invited to sum up the school's actions and response to the complaint.
11. The chair will explain that you and the headteacher will hear from the panel **within five working days**.
12. Both you and the headteacher will leave together while the panel decides on the issues.
13. The clerk will remain with the panel.

Can I take my complaint further?

You **cannot** take your complaint to the local authority. The local authority cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with your complaint.
However, if you feel that the school has acted unreasonably or not followed the correct procedures, you can write to the Secretary of State for Education http://www.education.gov.uk/help/contactus/dfe

.