

# Complaints Procedure – Guidance for Parents

Christ the King RC Primary School



## **What is the difference between a Concern and a Complaint?**

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may generally be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

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. 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. Any teacher or the school office team can help you find the right member of staff. If you have a complaint which you feel should be looked at by the Headteacher in the first instance you can contact him/her straight away 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 would like to. 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 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. Support in writing your complaint can be provided. However, you can also make the complaint in person or by telephone. You must state that you wish to follow the school's complaint procedure. In these cases, notes of meetings and telephone calls will be kept and a copy of any communication with you. If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors now. You can contact her by letter, which can be left in the school office. The Headteacher will ask to meet you for a discussion of the problem. Again, you can take a friend or someone else with you if you wish. The Headteacher will conduct a full investigation of the complaint and will 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 can contact the Chair of the governing body to ask for referral of your complaint to the Governors' Complaints sub-committee. Please note that while we accept feelings can run high when you have a concern or complaint, we do not accept that staff will be verbally, or physically, abused while dealing with your concerns. Action will be taken if this happens.

## Formal Procedure Outline

### 1. Procedure for Stage 1

- 1.1 Parents/carers 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 will explain to the parent how the situation happened. It is 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 the matter, s/he makes a clear note of the date, name, contact address or phone number.
- 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 The Headteacher will decide if he/she will deal directly with concerns at this stage.
- 1.5 If the concern relates to the Headteacher, the parent is advised to contact the Chair of the Governing Body.
- 1.6 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.
- 1.7 Where no satisfactory solution has been found within ten days, parents are asked if they wish their concern to be considered further. If they do they are given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

### 2. Procedure for Stage 2

- 2.1 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 complainant. 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, 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.
- 2.3 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. 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.

- 2.4 The Headteacher (or designate) keeps written records of meetings, telephone conversations, and other documentation.
- 2.5 Once all the relevant facts have been established, the Headteacher (or designate) will then produce a written response to the complainant, or 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 if s/he wishes 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 closely involved at Stage 1, the chair of the Governing Body will carry out all the Stage 2 procedures.

### **3. Procedure for Review by the Governing Body (Stage 3)**

- 3.1 Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below will be followed.
- 3.2 The Clerk to the Governing Body will write to the complainant to acknowledge receipt of the written request. The acknowledgment will 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 will 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 will arrange to convene a Governors' Complaints Panel elected from members of the Governing Body. There are reserves to this Panel to ensure that three governors are available to carry out their task in the set time.
- 3.4 The Panel members will, wherever possible, 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 will chair the Panel; otherwise the Vice-Chair will 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 also 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 complaint is heard by the Panel within 20 days of receiving the letter in 3.5. All relevant correspondence regarding the complaint will 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 will 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 will 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.

- 3.7 The Chair/Vice-Chair of the Governing Body will invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher can 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 will be received by all concerned – including the complainant - 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.
- 3.10 The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it is only possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.
- 3.11 The Panel must 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.
- 3.12 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 proceedings are as informal as possible.
- 3.13 The meeting will 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.
- 3.14 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, Headteacher, other members of staff and witnesses will then leave.
- 3.15 The Panel will then consider the complaint and all 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 system or procedures to ensure that problems of a similar nature do not happen again.

- 3.16 A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant will explain whether a further appeal can be made, and if so, to whom.
- 3.17 The school will ensure that a copy of all correspondence and notes are kept on file in the school's records. These records will be kept separately from the pupil's personal records.
- 3.18 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.

#### **4. Review by the Local Authority (LA) (Stage 4)**

- 4.1 Some LA's do not get 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' complaint panel, the LA 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 a 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 or the working of appeals committees. Both parties would be encouraged to agree ahead of time 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 LA team of officers who offer consultation, investigation and mediation services at the request of either party.
- 4.4 For voluntary-aided schools: Some Diocesan Schools Commissions (RC) give advice on general complaints procedures to their schools but the Boards have no powers to receive appeals from complainants. A voluntary-aided school could involve LA officers in its general school complaints procedure in the same way a county school can, as recommended in Working Together: Guidance relating to General Parental Complaints, published by the London Diocesan Board for Schools.

#### **5. Beyond the LA (Stage 5)**

- 5.1 The Secretary of State: Complaints can be taken to the Secretary of State for Education and Employment under section 496 of Education Act 1996, on the grounds that a Governing Body or LA is acting or proposing to act unreasonably, or under Section 497 of the same Act. The Secretary of State may contact the Governing Body or the LA for more information in order to consider the complaint. These powers relate to County Schools and Voluntary Schools and Grants Maintained Schools and City Technical Colleges.
- 5.2 The Local Government Ombudsman: Complaints about the maladministration 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 that thorough attention has been given to a complaint locally before investigation by the Ombudsman. Initial Equality Impact Assessment Please complete an initial equality impact assessment once this policy has been customised to suit your purposes.