

Appendices to School Complaints Procedure and parent leaflet “Do you have a complaint?”

APPENDIX 1

LISTENING TO YOUR CONCERNS AND RESPONDING TO YOUR COMPLAINTS

(This could form the basis of part of the School's prospectus or brochure)

We care about what you think

At school we make many decisions every day. We try hard to do our best for all our pupils. Your views help us plan for the future. We like to know when things are going well. We also want parents to tell us about their worries, concerns or complaints as soon as possible. It is much easier for us to sort out a recent problem than something that happened some time ago.

If you are unhappy with the way your child is being treated, or any of our actions or lack of action, please feel able to tell us your concern. We know it can be difficult to question what a school is doing, but if you do not tell us what is worrying you, we cannot explain our actions or put things right. Our support and respect for you and your child will not lessen in any way.

Our promise to you

- We will deal with your concern or complaint honestly and politely.
- It will be looked into thoroughly, fairly and as quickly as possible.
- We will keep you up-to-date with what we are doing.
- We will apologise if we have made a mistake.
- We will tell you what we are going to do to put things right.

What to do first

If you have a concern about anything we do you can tell us by telephone, in person or in writing. If any of these are difficult for you, a friend or adviser can speak to us on your behalf. Most concerns or complaints will be sorted out quickly either by putting things right or by explaining the School's actions to you.

Try to go to the member of staff involved or your child's class teacher (*primary*)/your child's form tutor or head of year (*secondary*) who will either deal with your issue or pass you on to someone who is more able to help.

Please remember the beginning or end of the school day can be a very busy time. If you talk to a teacher at these times, for practical reasons, it may not be possible to sort things out there and then. Be ready for the teacher to say she or he will see you or ring you as soon as possible. This is because we want to give your worries the attention they deserve. You should not be asked to wait more than a week and often

she or he will discuss things with you much sooner. We hope this will be enough to put things right.

Sometimes the teacher will send you a brief note after the phone call or meeting with details of what we are doing about your concern.

Making a complaint

If you have already told us about a concern but are not satisfied with how we have responded, you may wish to make a complaint.

We have a complaints procedure to make sure we respond to complaints in the best possible way. Our aim is to resolve complaints as quickly and as effectively as possible.

The complaints procedure will tell you exactly what will happen and how long it should all take. If you want to look at it before speaking to us please contact who will be happy to give you a copy.

The procedure has three stages. We have time limits in our complaints procedure to make sure that complaints are dealt with as quickly as possible.

The first stage is an informal stage. At this stage, we would like you to put your complaint first to the member of staff involved. If this is not possible, please go to a more senior member of staff or the Headteacher. S/he will either meet you or, if you prefer, discuss your complaint on the phone.

If your concern involves the Headteacher, you should put your complaint to the Chair of Governors via the School.

We hope very much that your complaint will be resolved at this informal stage, but if you are still not satisfied, you can complain formally to (*name of Headteacher*). Please try to do this not more than 20 school days after getting a note explaining the teacher's response to your complaint. If we have not heard from you by then, we will assume that you do not want to take things any further. If the Headteacher has already been involved you can complain formally to the Chair of Governors.

At the formal stage, the Headteacher (or Chair of Governors, if appropriate) will fully investigate if necessary and arrange to discuss your complaint with you, and then send you a letter with an explanation of the actions the School will take.

Generally complaints are sorted out at the informal or formal stages, but occasionally complainants still feel dissatisfied and if so have a right to appeal against the outcome of the formal stage to the Complaints Appeals Committee of the Governing Body.

If you are not happy with the outcome of the formal stage you must let us know not more than 20 school days after getting a letter from the Headteacher explaining the school's response to your complaint that you wish to go to the next Stage. If the Clerk of Governors has not heard from you by then, we will assume that you do not want to take things any further.

Arrangements for a meeting of the Complaints Appeals Committee will be made by the Clerk to Governors.

We hope very much that our complaints procedure will resolve all complaints in the School but a parent who is not satisfied may refer certain complaints to Ofsted. Any complainant who is not satisfied with the outcome of the Complaints Appeals Committee's consideration may take the complaint to the Secretary of State for Education and Skills.

We keep copies of all correspondence about concerns and complaints. These will be treated with the utmost confidence. You and your child have a legal right to have a copy of your child's school records.

All complaints are reported in general terms to the School's Governing Body to enable the School to learn from them.

The Complaints Appeals Committee of the Governing Body

The Governing Body is required by the Education Act 2002 to have a complaints procedure relating to the School and its provision of services and facilities and to publicise those procedures. These procedures cover all complaints not covered by other statutory complaints procedures.

The Governing Body must also establish a Complaints Appeals Committee. The committee terms of reference, membership and clerking arrangements are established by the whole Governing Body.

Suggested Terms of Reference for a Governing Body Complaints Appeals Committee

The use of italics indicates where, if adopting these terms of reference, the Governing Body may wish to make an alteration.

1. Membership

The Committee will consist of *between three and five* governors. Neither the Headteacher nor the Chairman of Governors will be member of the Committee as they may have been involved in the matter under consideration at an early stage.

The Chairman of the Committee will be elected by the Committee.

Committee members must be impartial and have no prior involvement with the complaint or circumstances surrounding it.

(Membership of the Complaints Appeals Committee may preclude a governor from membership of other committees see table A.)

2. Quorum

The quorum shall be three governors.

3. Meetings

Meetings will be held when required to consider formal appeals made under the Procedures for Handling Complaints in School.

4. Function

Wherever possible the Governing Body would wish to see complaints resolved at an informal stage but:

- (a) The main function of the Committee will be to undertake the duties of the Governing Body in the consideration of complaints made under the Procedures for Handling Complaints in School.

- (b) Complaints covered by statutory procedures will not be considered by this Committee.
- (c) The Committee will seek advice from the Schools HR Consultancy or the Governor Services Manager, or in the case of a Voluntary Aided School, the Diocesan/Church Authority Education Officer, as appropriate.
- (d) In considering the complaint the Complaints Appeals Committee will:
 - consider the written materials;
 - consider the complaint and the Headteacher's (or Chair's) action;
 - invite the Headteacher or Chair of Governors (as appropriate) and the complainant to the meeting; and
 - seek advice and support as necessary;

At the end of their consideration, the Committee will:

- determine whether to dismiss or uphold the appeal in whole or part;
- where the complaint is upheld, decide on appropriate action;
- advise the complainant and Headteacher (Chair) of its decision;
- advise the complainant of any further action they may wish to take if they remain dissatisfied; and
- arrange for amendments to be made to the School's Complaints Register and for the matter to be reported, in general terms, to the Governing Body.

The Chair of the Committee

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

- the remit of the Committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- key issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the rules of natural justice are followed;
- the complainant is notified of the panel's decision, in writing with details of any further rights of appeal; and
- the Governing Body are notified of any changes to procedure or reviews of policy recommended by the Committee.

Complaints Appeals Committee Meeting – suggested procedure

- Whilst the meeting of the Complaints Appeals Committee is a formal meeting its conduct should be as informal as possible.
- The Complaints Appeals Committee meeting will be convened by the Clerk to the Committee at a date, time and venue convenient to all parties.
- The Clerk to the Committee will distribute the Headteacher's/Chair of Governors' Report to the Committee at least 7 days in advance of the meeting.
- The complainant and Headteacher/Chair of Governors may each be accompanied by a fellow worker or trade union representative.
- In the case of a complaint against a member of staff, the member of staff against whom the complaint was made and/or his trade union representative or fellow worker will be entitled to attend the Complaints Appeals Committee meeting.
- The complainant and the Headteacher/Chair of Governors may request witnesses to be called to provide evidence. Witnesses may be allowed at the discretion of the Committee and will only attend for the part of the meeting in which they give evidence.
- The Chair of the Committee is responsible for the conduct of the meeting.
- After introductions, the complainant is invited to present their case and any supporting documents to the committee. If appropriate, the complainant's witnesses will be heard at this point.
- The Headteacher/Chair of Governors will be entitled to question the complainant and any witnesses.
- The Headteacher/Chair of Governors will present his/her report on the investigation to the Committee, together with any supporting documents and any actions taken to resolve the complaint.
- The complainant or his/her representative will be entitled to question the Headteacher and any witness.
- The Committee may ask questions at any point.
- Any reasonable request for an adjournment should be allowed at the discretion of the Chair.
- The complainant is then invited to sum up their complaint.
- The Headteacher/Chair of Governors is then invited to sum up the School's response to the complaint.
- The Chair explains the arrangements for notifying both parties of the outcome of the meeting.

- Both parties then leave the meeting to allow the Committee to reach a decision.

Table A: Membership of Complaints Appeals Committee and other Committees

Because the business/decision of one committee may lead into consideration by another committee, membership of some committees must not overlap. The shaded blocks below indicate where membership must not overlap with the committee in Column 1.

Column 1	Staff Discipline/ Dismissal	Staff Discipline/ Dismissal Appeals	Complaints Appeals	Grievance	Pay
Staff Discipline/ Dismissal					
Staff Discipline/ Dismissal Appeals					
Complaints Appeals					
Grievance					
Pay					

THE ROLE OF THE CLERK TO THE GOVERNING BODY AND THE CLERK TO THE COMPLAINTS APPEALS COMMITTEE

The Clerk to the Governing Body or the Clerk to the Complaints Appeals Committee is appointed by the Governing Body to provide:

- administrative support for the meeting, including convening it;
- record keeping for the meeting and minutes of the meeting; and
- procedural advice and guidance.

The role and responsibilities of the Complaints Appeals Committee Clerk are therefore to:

- ensure that the Governing Body has adopted a Complaints Procedure for the school;
- ensure that the Governing Body has appointed governors to the Complaints Appeal Committee and that those governors understand the policy and procedures and their role;
- maintain current membership and contact details for the Committee;
- ensure that the Complaints Appeals Committee has agreed terms of reference;
- advise complainants, the Chair of Governors and Headteachers on the appropriate action to be taken when notified of a complaint;
- advise the Chair of Governors and Complaints Appeal Committee members of appropriate sources of support;
- act in accordance with the procedures;
- convene and produce a record of the meeting of the Complaints Appeals Committee;
- offer procedural advice at the meeting; and
- following the instructions of the Committee, take the necessary action:
 - notify the complainant in writing of the outcome of the meeting and the next stage of the process should they wish to pursue the matter further;
 - advise the Headteacher (Chair) of the outcome and of any further action to be taken;

- complete the Complaints Appeals Committee meeting minutes and arrange for the Governing Body to be notified in general terms of the complaint and of any further action to be taken; and
- arrange for the School's Complaints Register to be updated.

Investigating a Complaint - Procedures

Note: The general principles within this procedure can be used for any investigation.

1. Context

The Headteacher or Chair of Governors, as appropriate will:

- follow the Governing Body's agreed procedures;
- if the complaint is against the Headteacher, the Chair of Governors should seek advice from either the Schools HR Consultancy or Diocesan Officer, as appropriate;
- keep the member of staff informed;
- arrange for a full investigation of the complaint and prepare a report on the investigation;
- advise the complainant of the outcome and of the next stage if they remain dissatisfied;
- consider any further action; and
- inform the member of staff in writing of any subsequent action he/she intends to take.

2. Introduction

The investigation should be started as soon as possible after the receipt of the complaint and normally be completed within 20 school days.

- 2.1 An investigation is a fact-finding exercise with the aim of obtaining, as far as possible, a fair and balanced picture through a written record. The aim is not to prove or disprove a complaint.
- 2.2 Undertakings of confidentiality should not be given to either a person making a complaint or to those interviewed. Evidence compiled in the investigation may be made available to the parties in any subsequent hearing and those giving evidence in the investigation should be so informed.
- 2.3 At this stage, in addition to the written complaint, the complainant will need to be interviewed as part of the investigation. **If it becomes clear during the investigation that the issues are serious (as defined in Section 3(c) of the procedure), he/she should make a referral, as appropriate to Children's Social Care Group, Resources Directorate, or the Police. In such cases the investigation should not proceed.**

3. Preliminary stages

3.1 Where appropriate, the person undertaking the investigation should seek specialist advice as necessary from the Schools HR Consultancy, Governor Services Manager, Diocesan/Church Authority Officer and familiarise him/herself with any relevant procedures and guidelines.

3.2 The person investigating should:

- define areas to be investigated;
- draw up a provisional list of those to be interviewed and a list of topics to be discussed, extended as required during the investigation; and
- check corroborative evidence.

4. The investigation process

4.1 Interviews should be carried out as soon as possible. A statement should be taken from each person, signed and dated. The person carrying out the investigation should have access to assistance as necessary to make the record. A suitable venue and time should be selected to encourage co-operation and the opportunity to be accompanied, by a fellow worker or representative of a professional association/trade union, should be offered. At the beginning of an interview, a general explanation of the purpose of the investigation should be provided. If children are to be interviewed, this will need to be handled with sensitivity and care.

5. Interviewing the subject of a complaint

5.1 The point at which this occurs will depend upon the nature of the complaint and the investigation process. It may be necessary to interview the member of staff first and again, following interviews with other persons, to seek a formal response.

5.2 The member of staff should be informed of his/her right to take advice and be represented by a fellow worker or representative.

5.3 The member of staff should be invited to respond to the complaint and to make a statement. The member of staff has the right to respond, to decline to respond, to reserve a response whilst seeking advice or to request an adjournment to consider a response.

5.4 Full notes should be taken of the interview and the member of staff invited to read and sign them as a true record after the interview. A copy of the notes will be given to the member of staff.

5.5 The member of staff should be invited to identify any persons who may have information relevant to the investigation. These names should be added to the list of those to be interviewed.

6. Interviewing witnesses/others

- 6.1 Witnesses may be interviewed as part of the investigative process of the complaints procedure.
- 6.2 They should be made aware of the nature of the complaint and of the process to be followed. (See paragraph 1 and 2)
- 6.3 Interviews should take place at a convenient time and venue for the person being interviewed, who may bring a fellow worker or representative with them.
- 6.4 They should be asked to give their factual account of the incident(s) leading to the complaint.
- 6.5 Full notes should be taken of the interview and the witness invited to read and sign them as a true record of the interview. A copy of the notes will be provided to them.

7. Compiling a report

- 7.1 When all the relevant persons have been interviewed and all the relevant issues explored, the investigation is complete. The details obtained and the statements taken should then be compiled into a report.
- 7.2 Consideration should again be given as to whether there are serious matters which should be referred to Children's Integrated Services Group, Resources Directorate, or the Police. If there is such a referral, **further proceedings at school level should be held in abeyance immediately.**

COMPLAINTS ABOUT MEMBERS OF STAFF

These will usually be dealt with under the Schools Complaints Procedures, except where allegations relate to criminal activity, financial or accounting irregularities, or allegations relating to the abuse of children. Headteachers/Chairs of Governors should seek advice from the Schools HR Consultancy and/or Diocesan Church Authority Officer.

If the complaint is about a member of staff he/she will:

- be informed in detail of the complaint;
- be provided with a copy of any written complaint;
- be invited to respond and make a statement;
- be reminded they may seek advice from their professional association/ union or other adviser before responding;
- be given a copy of the complaints procedure;
- be advised of any response/explanation to be made to the complainant;
- be advised of whether the complainant accepts the response;
- be offered appropriate counselling or guidance; and
- be informed when the complaint is resolved, of any subsequent actions intended, including any action under the disciplinary and competence procedures.

HOW TO LISTEN TO COMPLAINTS

As soon as you realise that you are listening to a complaint, remember these points:

Don't pass the buck

Try not to keep transferring an angry person from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.

Don't be flippant

First impressions count. You and the school may be judged on your immediate reaction.

Treat all complaints seriously

However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain.

Be open-minded

Set aside any prejudices about the complainant or the issue raised and listen in an open-minded way.

Be courteous and patient

Be sympathetic and helpful, but do not blame other colleagues.

Say who you are

If you are unknown to the person, introduce yourself.

Ask for their name and use it

Anonymous complaints are difficult to resolve.

Take time to find out exactly what the problem is

It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.

Don't take the complaint personally

To an angry or upset person, YOU are the school and the only one they can put their feelings to right now.

Stay calm and cool

Do not argue with the person - be polite and try to find out exactly what the person thinks is going wrong or has gone wrong.

Check you are being understood

Make sure that the person understands what you are saying. Do not use jargon; it can confuse or annoy someone 'not in the know'.

Don't rush

Take your time. Let people have their say and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.

COMPLAINT FORM

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

Your name:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

E-mail address:

Pupil's name:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint?

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 acknowledgement sent:

By:

Complaint referred to:

Date:

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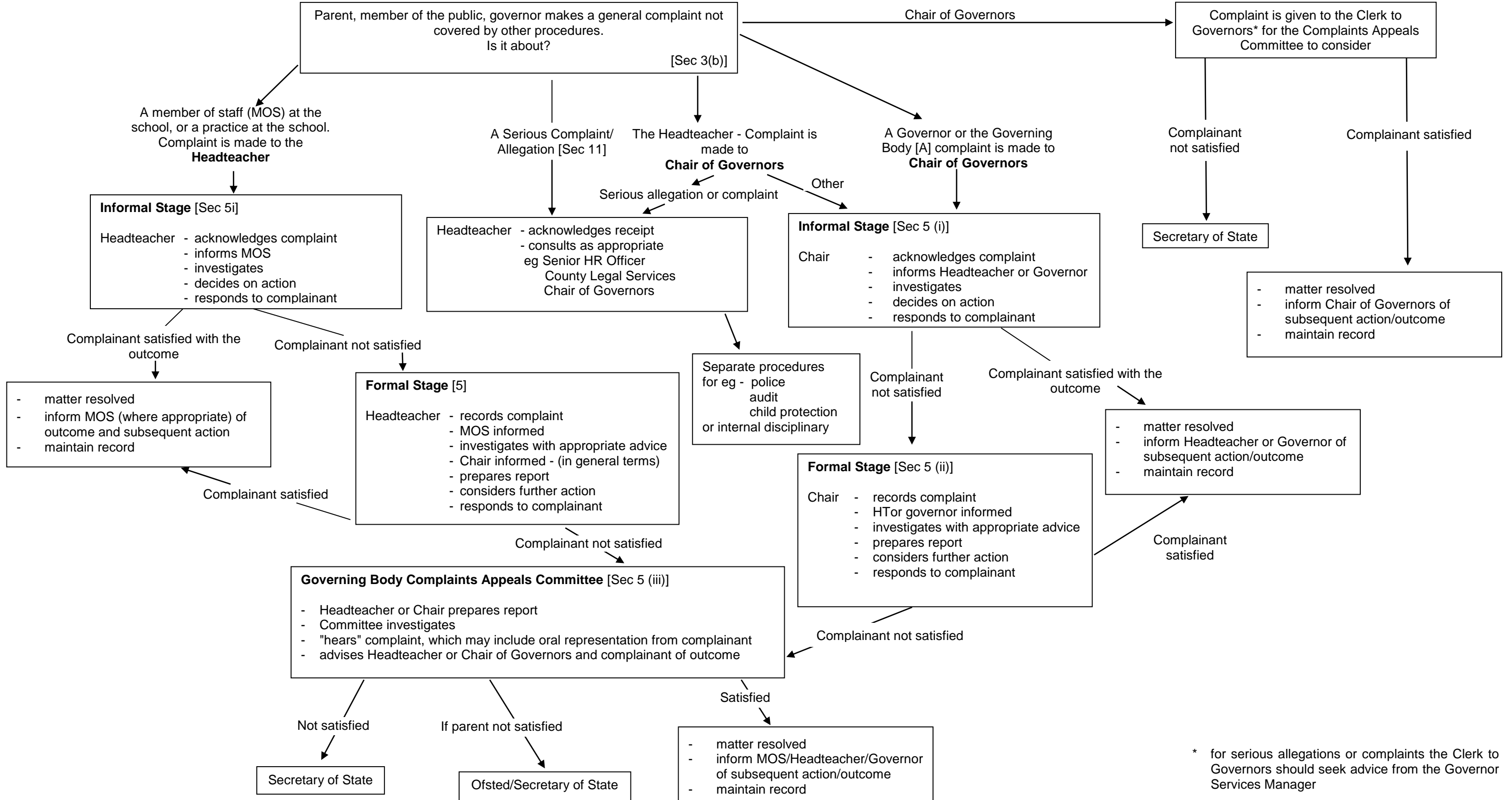
FORMAL COMPLAINTS REGISTER

			ACTION BY HEADTEACHER/CHAIR OF GOVERNORS/COMPLAINTS APPEALS COMMITTEE			
Date complaint received	Name of complainant(s)	Summary of complaint	Action taken	Cross reference to other procedures or forms	Signed	Outcome with date

SUMMARY OF PROCEDURES FOR HANDLING COMPLAINTS IN SCHOOLS

Notes

1. This Flow Chart provides a summary of the Procedures. It is not a substitute for the full document which should be used in the investigation of a complaint. Timescales are set out in the Procedures.
2. This Flow Chart only refers to general complaints. There are separate procedures which must be used for complaints relating to the child protection, collective worship, Freedom of Information access, functions of the County Council, National Curriculum, pupil exclusions, school admissions, services provided by other organisations on the school site or through the school, sex education, staff grievance, statementing procedures for special educational needs, Whistleblowing by an employee.



* for serious allegations or complaints the Clerk to Governors should seek advice from the Governor Services Manager

SCHOOL BASED COMPLAINTS - PRINCIPLES UNDERPINNING THE ROLE OF THE LOCAL AUTHORITY

The Education Act 2002 extended previous legislative requirements for all maintained schools and maintained nursery schools to have in place a procedure for dealing with complaints relating to the school to include procedures for handling complaints relating to any community facilities or extended services that the school provides.*

Almost all Lancashire schools adopted a model complaints procedure that reflected the then current guidance and also the LEA School Relations Code of Practice and did not give a role for the Local Authority (LA) in the investigation and resolution of complaints unless the headteacher, chair of governors or governing body complaints appeals committee requested assistance.

The 'general complaints procedures' only cover those complaints not covered by other statutory procedures, eg statemented special education needs, child protection issues. They cannot be used by teachers and other school staff who must use the grievance process. In the general complaints procedures there is no appeal to the Local Authority, but parents, the community and some LA staff have found this difficult to understand.

With the development of the Every Child Matters (ECM) agenda and the emerging role of the local authority as champion of children, young people and families it is important that we revisit the local authority's role in school based complaints so that there is an understanding of what that role is in the light of the emerging LA role. The Education and Inspections Act 2006 allows for certain parental complaints if they have not been resolved at school level to be referred to Ofsted.

The complaints procedures should set out the relationship between LA, parents and self managing schools. There remains a potential dilemma for parents in understanding them.

In the absence of any DfES guidance on the role of the LA and school complaints procedures in the light of ECM, it is proposed that, in the context of the Lancashire Model School Complaints Procedures, the LA role as champion of children and families embraces the following principles outlined below.

In responding to school based complaints Lancashire's Directorate for Children and Young People in undertaking its role as champion for children and parents will

on behalf of parents:

- use appropriate language and make clear to parents the limits of the Local Authority powers;
- if the complaint is about a school, explain the procedures clearly to parents so they have realistic expectations of the process;
- help parents to work out what they might want as an outcome and how to raise the issues with school; and

- make clear to parents the provisions of the School Based Complaints Procedure, including the role of the LA. (The Local Authority will not promote the complaint on behalf of the parents, but it will signpost potential assistance.)

on behalf of schools:

- recognise that schools are self managing institutions with their own procedures and be available to assist schools in their investigation of complaints;
- in consultation with the Dioceses/Church Authority, develop and recommend model procedures for schools to address the concerns/complaints raised both by parents and other members of the community;
- contact the school to inform them of the complaint and offer advice and assistance as appropriate; and
- provide the advice training and development of headteachers, governors and Local Authority employees on the procedures.

In all communications with the parents and school we will use appropriate language.