

# Maple Tree Lower School



Policy

General Guidance for dealing with Complaints

Committee

Full Governing Body

Review Date

January 2019

## **Maple Tree Lower School's procedures for dealing with complaints.**

The majority of concerns from parents, carers and others are handled under the following general procedures.

The procedure is divided into three stages;

- The Informal stage aims to resolve the concern through informal contact at the appropriate level in school.
- Stage one is the first formal stage at which written complaints are considered by the head teacher or the designated governor, who has special responsibility for dealing with complaints.
- Stage two is the next stage once stage one has been worked through. It involves a complaints appeal panel of governors.
- LA review where the LEA will review and comment upon the way we have dealt with your complaint.

How each of these stages operates is explained below:

### **Informal stage – your initial contact with the school**

- Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's teacher.
- Once your concern is made known to us, we will see you, or contact you by telephone or in writing, as soon as possible. If it is necessary, all members of staff know how to refer to the appropriate person with responsibility for your particular issues. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
- Any actions or monitoring of the situation that has been agreed, will be communicated clearly and we will confirm this in writing to you. If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.
- We will normally update you on the progress of our enquiries within ten working days.
- Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
- If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

### **Stage one - formal consideration of your complaint**

- This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined above.
- Normally, your written complaint should be addressed to the head teacher. If, however, your complaint concerns the head teacher personally, it should be sent to the school marked "For the attention of the chair of governors".
- We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three working days. We will enclose a copy of these procedures with the acknowledgement.

- Normally we would expect to respond in full within 15 working days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
- As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
- The head teacher, or chair of governors may also be accompanied by a suitable person if they wish.
- Following the meeting, the head teacher, investigating officer or chair of governors will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
- We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
- If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
- The head teacher or chair of governors will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
- Once we have established all the relevant facts, we will send you a written response to your complaint. This will give an explanation of the headteacher's or chair of governors' decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
- The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point. Please see the next page for further information about this process.
- If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to stage two, as described below.

### **Stage two - consideration by a governors appeal panel**

If the complaint has already been through stage one and you are not happy with the outcome as a result of the way in which the complaint has been handled, you can take it further to a governors appeal panel. This is a formal process, and the ultimate recourse at school level.

The purpose of this arrangement is to give you the chance to present your arguments in front of a panel of governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.

However, the aim of a panel is not to rehear the complaint. It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations which will reassure you that we have taken the complaint seriously.

The governors appeal panel operates according to the following formal procedures:

- The governing body will convene a panel of three governors and will aim to arrange for the panel meeting to take place within 20 working days.
- You will be asked whether you wish to provide any further written documentation in support of your appeal.
- The head teacher or complaint investigator will be asked to prepare a written report for the panel. The panel can request additional information from other sources if necessary.
- You will be informed, at least five working days in advance, of the date, time and place of the meeting. We hope you will feel comfortable with the meeting taking place in the school but we will do what we can to make alternative arrangements if you prefer.
- With the letter, you will receive any relevant correspondence or reports regarding stage 1 and you will be asked whether you wish to submit further written evidence to the panel.
- The letter will explain what will happen at the panel meeting and that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
- If it is necessary in the interests of the ratifying the investigative process, the complaint investigator may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting.
- The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
- As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
- The chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy as the minutes are the property of the governing body. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
- Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes.

**During** the meeting, you can expect there to be opportunities for:

- The panel to hear you explain your case and your argument for why it should be heard at stage 2;
- The panel to hear the complaint investigator's case in response;
- You to raise questions via the chair;
- You to be questioned by the complaint investigator through the chair;
- The panel members to be able to question you and the complaint investigator;
- You and the headteacher to make a final statement.

In **closing** the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the headteacher within three school days. All participants other than the panel and the clerk will then leave.

The panel will then consider the complaint and all the evidence presented in order to:

- reach a unanimous, or at least a majority, decision on the case;
- decide on the appropriate action to be taken, if necessary;
- recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.

The clerk will send you and the headteacher a letter outlining the decision of the panel. The letter will also explain that you are entitled to have the handling of the complaint reviewed by the LA. That process is not strictly an appeal, as the local authority cannot direct the governing body in most general complaints cases. It is, however, an opportunity to seek the view of an official third party and the outcome, including any recommendations, may be helpful to you in seeking resolution of the complaint, through the Secretary of State for Education if necessary.

We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

### **Closure of complaints**

Very occasionally, a school and/or the LA will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied. We, and the local authority where appropriate, will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".

If a complainant persists in making representations to the school – to the head teacher, designated governor, chair of governors or anyone else – or to the local authority, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care. For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process. The local authority will support us in this position, and especially where the complainant's action is causing distress to staff and/or pupils. In exceptional circumstances, closure may occur before a complaint has reached stage two of the procedures described in this document. This is because a complaints panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of investigating the complaint.

The chair of governors may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward. This does not, of course, prevent you from referring your complaint to the LA for a review of the way it has been handled, as described below.

### **Stage 3 - Review by LA**

The LA has limited powers to intervene in matters of school management and, along with central government, encourages parents and others with concerns about

schools to discuss the issues firstly with staff at the school, as set out in stage one of the above procedures. The majority of concerns about children's education and welfare can be resolved in this informal way, which helps to build and maintain good relations between the school and parents.

The LA can advise you on the route for expressing your concerns or making a complaint and can facilitate the resolution of the complaint by liaising with the school and governing body to ensure that procedures are followed and your concerns dealt with reasonably.

If you go to the LA without first having gone through the above procedures, they will explain to you that you must go back to the school in the first instance and follow its procedures.

Where you have been through the school's internal complaints procedures (with or without recourse to a complaints review panel) and are still unhappy with the outcome or decision from the governing body you can either call the LA on 0300 300 8000 to ask for advice, or you can write to the LA enclosing full details of your complaint, including correspondence between yourself and the school and governing body.

The purpose of the LEA review is to establish whether the governing body and complaint investigator have ensured that:

- reasonable procedures have been followed;
- the complainant has been treated fairly;
- there has been no breach of statutory regulations.

The LA's investigating officer will carry out a review of the case, according to the three criteria stated above. Please note this is a review and not a rehearing of the case.

The LA will write to you with their comments on the case.

If you wish to pursue your complaint beyond the local authority review, you can write to the Secretary of State for Education. Please enclose with your letter to the DFE a copy of the LEA review outcome. This will save time in that the DFE will not need to ask the LA for their view of what has happened.

We would advise parents that, unless the school and/or local authority is shown to have behaved unreasonably or not to have followed their own procedures, there is likely to be little further action that can be taken, as governing bodies are empowered to deal with many issues without reference to either the local authority or the Secretary of State.

If your concern is about an aspect of special educational needs provision, which might include information about relevant voluntary organisations and support groups, you might like to talk to the parent partnership service on their helpline.

## Complaint form

Please complete and return to either the Head teacher or Chair of Governors who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

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?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: