

# Woodfall Primary School

## Complaints Policy and Procedure

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In Consultation with		
Date Agreed	Name	Position
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<b>Date for Review:</b>		

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## **1.0 OVERVIEW**

- 1.1 All schools are required, by Section 29 of the 2002 Education Act, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that Woodfall Primary School provides.
- 1.2 The intention of this policy is to provide everybody associated with Woodfall Primary School with a clear and transparent process that will enable all concerns and complaints to be dealt with as quickly and efficiently as possible.
- 1.3 The policy takes into account the principles laid down in the DfE guidance on school complaints procedures and covers all concerns and complaints against Woodfall Primary School by external persons/parties who do not have an alternative statutory avenue of appeal or complaint. Cheshire West and Chester Local Authority is required to set up a procedure for dealing with certain types of complaints, for example, admissions, exclusions, complaints about the curriculum or collective worship in a school. Woodfall Primary School's complaints procedure does not replace the arrangements made for those types of complaint.
- 1.4 Where complaints make allegations of misconduct against members of staff of Woodfall Primary School the complaints policy may be superseded by use of the staff disciplinary policy or other appropriate staffing procedures.
- 1.5 The law also requires the complaints procedure be publicised. A copy of the policy is available on the school website and is available from the school office.

## **2.0 GENERAL PRINCIPLES**

- 2.1 Woodfall Primary School is clear about the difference between a concern and a complaint. As a school we understand that taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints. We want to resolve all concerns before they become formal complaints as we value the relationship between school and all those who have contact with the school.
- 2.2 Formal procedures contained within this policy will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. This procedure should be instigated as soon as possible and in general any matter raised more than three months after the event will not be considered.
- 2.3 All complaints will be dealt with in a non-confrontational, transparent way and as quickly as is reasonably practicable. The length of time that this takes will vary with the gravity and complexity of the complaint. However investigation of all complaints will be completed within a period which is reasonable in the circumstances. An anonymous concern or complaint will not be investigated under this procedure, unless there are very exceptional circumstances.
- 2.4 Complainants will be kept informed during the investigation of their complaint and of the outcome, except where this is confidential, e.g. in the case of a staff disciplinary process. Where the timescales within this policy cannot be adhered to, the complainant will be informed as to why this is the case, and given a revised timescale for dealing with the complaint.

- 2.5 There may be rare occasions when, despite all the stages of the procedure having been followed, a complainant remains dissatisfied. If s/he subsequently seeks to re-open the same issue, the Chair of Governors has the right to inform him/her that the procedure has been exhausted and the matter is closed.

### **3.0 COMPLAINTS POLICY**

- 3.1 The complaints policy for Woodfall Primary School is a three part process. The three stages of the process are:

3.1.1 Initial informal concern that should be raised with the staff member concerned.

3.1.2 Formal written complaint on the form in Appendix A, giving details of the complaint, which should be sent to the Head Teacher of the school, who will carry out the investigation. Where the complaint is about the Head Teacher then the written complaint should be to the Chair of Governors who will arrange for the investigation to be carried out.

The person carrying out the investigation will invite you to a meeting to clarify your concerns and establish what evidence is available.

The matter will be fully investigated, using an appropriate procedure and the complainant informed in writing of the conclusions reached.

3.1.3 If the complainant is not satisfied with the manner in which the complaints process has been followed you may request that the governing body reviews the process followed by the school. Any such request must be made in writing to the clerk of the governing body within 10 days of receiving notice of the outcome and include a statement specifying any perceived failures to follow the Complaints procedure. A panel of three governors of the school will then carry out a formal investigation of the complaint and write a comprehensive report of the findings of the panel and any necessary actions arising from the investigation. The procedure at any meeting called to review the complaint is detailed in Appendix B.

- 3.2 The school accepts that there may be times when the complainant believes that the complaint is of such magnitude that they will not instigate the stage 1 informal concern process but immediately move to stage 2 and make a formal written complaint to the head teacher. Whilst this three stage procedure completes the school's complaints procedure, an unsatisfied complainant can always take a complaint to a further level by requesting a review by the Secretary of State for Education.

### **4.0 GOVERNING BODY MONITORING ROLE**

- 4.1 As a governing body we will ensure that there is an appropriate arrangement for recording complaints and the way in which they are resolved. Further, that once per school term the governing body will receive and discuss a report of the head teacher on the nature and level of complaints, so as to best ensure the effectiveness of the procedure, and consider any underlying issues the school may need to address, including whether specific actions identified by governors' appeal panels have been addressed.

## **5.0 WOODFALL PRIMARY SCHOOL INTERNAL COMPLAINTS PROCEDURES**

### **Stage One: Informal Concern heard by Staff Member**

- 5.1 It is in everyone's interest that complaints are resolved 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. To that end, staff must be aware of the procedures and know what to do when they receive a complaint.
- 5.2 As a school we will respect the views of any complainant and give every consideration to resolving their concerns as soon as practically possible. If a member of staff directly involved feels too compromised to deal with any concern or complaint, then they should refer the complainant to the head teacher.
- 5.3 It is the policy of this school to treat all informal concerns as a complaint and to be recorded as such, so that a true record of concerns brought to the attention of staff can be recorded and analysed for trends etc. The head teacher holds the complaints file in which all concerns / complaints will be recorded.
- 5.4 Any member of staff on having a concern brought to their attention will instigate the following actions:
- Listen carefully to what the complainant has to say and make appropriate notes.
  - Be sympathetic to the concerns raised whilst not making any promises in terms of action to be taken without properly investigating the concern
  - Confirm that you will look into the concern and revert to the complainant within an agreed timescale if you believe that this concern is something that can be resolved informally.
  - Complete the internal concern form and record it with the head teacher as a complaint.
  - Complete the investigation within the agreed timescale and go back to the complainant with outcomes.
  - Establish with the complainant whether they are satisfied with the outcome or whether they wish to make a formal written complaint and move to the next stage of the process.

### **Stage Two: Complaint heard by Head Teacher**

- 5.5 The head teacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may feel dissatisfied with the way the concern was handled at stage one as well as pursuing their initial complaint.
- 5.6 For the sake of clarity this formal complaints process will be used for all complaints from third parties. So if a governor has a complaint about a member of staff then they will make a formal complaint to the head teacher, whilst also informing the

Chair of Governors of this action. If a governor has a complaint about another governor then that complaint should be directed to the Chair of Governors or if about the Chair of Governors to the Vice Chair of Governors.

- 5.7 If the complaint is about the head teacher then the Chair of Governors will arrange for the investigation to be carried out following the same procedure detailed below as for any other formal complaint.
- The head teacher will acknowledge in writing receipt of the complaint and outline to the complainant the process that will be followed.
  - The head teacher will carry out a formal investigation. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken or in informing the complainant of the outcome of the investigation.
  - The complainant must be kept informed throughout the investigation, especially if the investigation is taking longer than agreed to complete.
  - A written report will be written before the complainant is contacted with the outcome of the investigation
  - The decisions that the head teacher can come to at the end of the investigation can include but is not limited to
    - 1) dismiss the complaint in whole or in part
    - 2) uphold the complaint in whole or in part
    - 3) decide on the appropriate action to be taken to resolve the complaint
    - 4) recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
  - The head teacher will ensure that the complainant receives a written response, which encompasses, as far as is possible, any actions that will be taken as a consequence of the complaint.

### **Stage Three: Complaint heard by Governing Bodies Complaints Appeal**

#### **Panel**

- 5.8 Where the first approach on a formal complaint is made to a governor, the next step must be to refer the complainant to the appropriate person, who is the head teacher and advise the complainant about the correct procedure to make a formal complaint. Governors must not get involved in investigating any complaint until the procedure has processed through to stage 3.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened merely to rubber-stamp previous decisions but must carry out a rigorous and full investigation of the complaint and all the actions taken by school staff in their previous attempts to resolve the complaint.

- 5.9 Individual complaints will not be heard by the whole GB 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. The panel will always consist of three governors who have no connections with the complainant or previous knowledge of any detail of the complaint.

- 5.10 The complainant needs to write to the Chair of Governors giving details of the complaint, as the starting point of the process.
- The Chair of Governors will convene a GB complaints panel from three eligible governors. 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. In deciding the make-up of the panel, the chair of governors needs to try and ensure that it is a cross-section of the categories of governors and sensitive to the issues of race, gender and religious affiliation.
  - The chair of governors will ensure that the complaint is acknowledged in writing with an outline to the complainant of the process that will be followed.
  - The panel will elect their own chair.
  - The remit of the Complaints Appeal Panel is to hear the appeal, to carry out any other investigations that the panel believe are appropriate and then come to decisions over the complaint.
  - 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. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their 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.
  - The decision of the panel can be :
    - 1) dismiss the complaint in whole or in part;
    - 2) uphold the complaint in whole or in part;
    - 3) decide on the appropriate action to be taken to resolve the complaint;
    - 4) recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

### **The Role of the Clerk**

- 5.11 The Department of Education strongly recommends that any panel or group of governors considering complaints be independently clerked. Woodfall Primary School will follow this advice and will appoint a clerk to handle all complaints that get to stage 3 of the complaints process. The clerk would be the contact point for the complainant and be required to:
- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible

- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

### **The Role of the Chair of the Appeal Panel**

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

- the remit of the panel is explained to all parties and each party has the opportunity of putting their case without undue interruption.
- parents and others who may not be used to speaking at such a hearing are put at ease. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child.
- 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. The appeal hearing will be conducted in a room at the school which will not be the head teacher's office.
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- the panel is open minded and acts independently.
- no member of the panel must have a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- each side is given the opportunity to fully state their case and ask questions.
- all written material is seen by all parties. If a new issue arises all parties must be given the opportunity to consider and comment on it.
- the issues raised by the complainant are addressed.
- key findings of fact are made.

### **Notification of the Panel's Decision**

5.13 The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response. This must be within the agreed deadline. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## **Appendix A - Complaint Form**

### **WOODFALL PRIMARY SCHOOL FORMAL COMPLAINT FORM**

Please complete this form and return it, via the school office, addressed to the Head Teacher or the Chair of Governors as appropriate, who will acknowledge its receipt and inform you of the next stage of the procedure.

**Your name**

**Relationship with school** (e.g. parent, neighbour)

**Pupil's name** (if relevant to the complaint)

**Your address**

**Email Address**

**Contact telephone number**

Please give concise details of the complaint, including dates, times etc, to allow the matter to be fully investigated. Please continue on a separate paper or attach additional documents if you wish.

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

(i.e who have you spoken with or written to and what was the outcome?)

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

**Signature**

**Date**

**For School use**

Date form received

Received by

Date acknowledgment sent

Acknowledgement sent by

Date complaint resolved by

## **Appendix B - Conduct of Complaints Appeal Meetings at Stage 3 of the Complaints Procedure**

1. Although this procedure may appear formal, the hearing will be conducted in as informal as way as possible, and the Chair of the panel will make every effort to make all parties feel comfortable.
2. The date of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting.
3. The meeting will be minuted by an independent clerk.
4. The meeting will be attended by:
  - the complainant, with a companion if desired;
  - the Head teacher and/or Chair of Governors, as appropriate;
  - the members of the Governors' Complaints Panel;
  - a clerk, appointed by the governors.

Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the governors.

5. The governors will select a Chair from amongst their number.
6. The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
7. The complainant (or his/her companion) will outline his/her complaint and explain why s/he is dissatisfied with the school's response to date. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
8. The Head teacher and the governors will have the opportunity to ask questions of the complainant.
9. The Head teacher and/or the Chair of Governors will explain their involvement in the complaint and the reasons for decisions reached at the informal and formal stage. The Head teacher and/or Chair of Governors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties
10. The complainant and the governors will have the opportunity to ask questions of the Head teacher and/or Chair of Governors.
11. The governors may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.

12. Both parties will leave the meeting and the governors will consider the information that has been put to them.
13. The governors' panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the governors will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.
14. The governors will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The governors' response must detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which governors arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales.

