

# Halfway Nursery Infant School



## Complaints Policy

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Signed (Headteacher)	
Signed (Chair of Governors)	
Minute Number	

# Complaints Procedures

## Introduction

Section 29 of the Education Act 2002, places a duty on Governing Bodies of all maintained schools and maintained nursery schools in England, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

Where there are established statutory and other procedures for dealing with a complaint, these will be followed. These guidelines therefore do not cover those matters for which such a procedure already exists such as:

- Admissions to schools
- Exclusions from school
- Special Educational Needs Provision
- School re-organisation
- Matters concerned with the school curriculum
- Serious complaints against school staff
- Child Protection issues
- Public examinations

## Extended Services

It is also recommended that the governing body ensure that any third party providers offering community services or facilities through the school premises or using school facilities (even if it is hiring it out for a function or meeting) have their own complaints procedures in place.

Please contact the relevant Service or the Advice and Conciliation Service for further guidance.

## Underlying Principles

Complaints should be treated seriously and courteously and given the time they require to be heard. It is important to the school that complainants have confidence in these procedures and know that their case will be investigated impartially.

Complainants should be advised at the earliest possible stage about:

- The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it
- The way in which the complaint is likely to be handled

Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The key to guaranteeing a successful outcome is to ensure that the correct procedure is followed from the outset. If Governors or Head Teachers are unsure of the procedure to be followed, the flow chart towards

the end of this guide should be consulted. In addition, the Advice and Conciliation Service may be contacted for further information and advice. It may well be the case that action taken under the complaints procedure may lead to action being initiated under other, for example statutory, procedures. In these instances, the investigations under the complaints procedure should be suspended until action under other (including appeals) procedures has been concluded. The complainant should be advised that alternative action is being taken, but will have to remain confidential until that procedure has been completed. The complainant should also be advised of any likely delay in the final resolution of the complaint that will result.

## **Definition of a Complaint**

For schools, the definition of a complaint within the terms of the procedures described here is an expression of dissatisfaction verbally or in writing by parents or carers of children who attend the school, or from neighbours of the school or school community affected by the services the school provides.

After initial investigation of a complaint, a decision may well be made to use the discipline, capability or other appropriate procedure.

Anonymous complaints will not normally be considered under the procedure set out here.

The procedure set out in the following pages outlines the stages both formal and informal through which a complaint made against the school will proceed. At all stages, the aim is resolution to the satisfaction of both parties and a mutual understanding of the problems believed to exist in order that improvements can be made where necessary.

**Where agreement and resolution cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly and equitably.**

**Conciliation or mediation between school and complainant can be considered at any time within the informal or formal stages as set out in this guide. The Advice and Conciliation Service within the Local Authority is independent of the school and can be contacted at any stage for advice and guidance.**

## **Unreasonable Complainants**

We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We define unreasonable complainants as those who, because of the frequency or nature of their contacts with the school, hinder the consideration of their or other people's complaints.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;

- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.

This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.

## **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community. If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## General Principles

### 1. Publicity

Parents and carers should always know how they can raise concerns or lodge a formal complaint. Complaints procedures should be easily accessible and well publicised.

A summary of how the school deals with complaints should be included in the information that is given to parents when their children join the school. Schools should also prepare leaflets for parents explaining how problems are dealt with and how the complaints procedures work.

Consideration should be given as to whether the procedures need to be made available in languages other than English and whether audio-cassette, Braille or large-print versions are necessary.

It is good practice to advise parents and carers at regular intervals of the procedures.

### 2. Accessibility

Procedures should be as speedy as possible, consistent and fair to all concerned. Each stage of the procedure should have known time limits. Where it is not possible to meet these, the complainant should be kept informed of progress.

### 3. Support for complainant

It is important that parents and carers know that at any stage of the procedure they can be accompanied by a friend, relative or representative and to know where they can go for information, advice and advocacy, if required.

### 4. Support for a person complained against

Staff who may be questioned as part of the investigation of a complaint must feel that they are being treated fairly, that they will have the opportunity to put their case and that a friend or representative may accompany them at any stage.

There is a crucial balance to be maintained between supporting the individual so that his/her rights are maintained and reputation protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this will need to be made clear to all concerned. However there may be occasions where a complaint leads to a disciplinary procedure which puts the complaints process on hold. If so, the complainant should be informed of this, without going into details, and updated regularly on likely further delay. After the disciplinary process is completed it will be necessary to decide what further response to the complainant is required.

## 5. Confidentiality

It is very important to treat all concerns and complaints with discretion. It is vital that parents and carers feel confident that their complaint will not penalise their child.

However, a complainant will need to be aware that some information will have to be shared with those involved in order that the complaint can be investigated. It is usual to disregard anonymous complaints, but the danger is that they may relate to something serious and the complainant may subsequently surface and say that he/she alerted the school. It should be at the Headteacher or governing body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

## 6. Redress

If the outcome of the complaints procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of: an apology, an explanation, a promise that the event complained of will not recur, an undertaking to review school policies or practices in the light of the complaint, or, in appropriate circumstances, financial compensation. Fear of litigation should not prevent a school from admitting to parents when mistakes have been made, but it is recommended that advice be sought from the Local Authority if it is possible that the parent might take legal action.

## 7. Staff Awareness and Training

All staff should be aware of the procedures, as potentially many will be involved with handling complaints, especially at the informal level. To be confident in doing so depends on them having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in dealing with people who are upset or angry. All staff should also have clear information about which staff have which responsibilities so that parents do not get continually passed from one to another.

## 8. Record Keeping

Complaints should be recorded and monitored regularly by staff and governors. It is recommended that recording should begin at the point when an initial concern or complaint cannot be resolved immediately but needs some investigation and/or consultation with others in school and a subsequent report back to the parent.

Recording at the earliest stage need only be a very basic record of the complaint, giving the date, name of parent and general nature of the complaint. A pro-forma or a 'comments and complaints' book could be used.

## A Staged Approach

Governing bodies are advised to adopt a staged approach as follows:

### Stage 1: The First Contact

There needs to be clarity as to the difference between a concern and a complaint. Taking informal concerns seriously at an early stage will reduce the number that develop into formal complaints. There are many occasions where concerns are resolved straight away through the class teacher, head teacher or other staff, depending on who is first approached. Parents and carers should feel able to raise concerns with members of staff informally. On occasion it may be appropriate for someone to act on behalf of a parent and this must be taken into consideration.

It may be unclear at first whether a parent or carer is asking a question or expressing an opinion rather than making a complaint. A parent or carer may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

### Stage 2: Referral to the Headteacher / Named Senior Officer (Paula Bestall)

At this stage it will be apparent that the concern is a definite complaint and should be investigated according to school guidelines (See Model Complaints Procedures attached) to ensure consistency and to make sure that nothing happens which could make it difficult for later stages to proceed smoothly.

In some cases the headteacher may already have been involved in looking at the matter; in other cases it may be his/her first involvement and in a large school it may be appropriate to delegate the investigation at this stage to another member of staff. What is important is that a staged procedure exists which reassures complainants that their grievance will be heard by more than one person, and that headteachers ensure that their involvement will not predominate at every stage of a particular complaint.

In some instances, headteachers will have been involved at Stage 1, or the complaint may be against them, in which cases Stage 2 should be carried out by the Chair of Governors. In other cases, where the headteacher has delegated the investigation at Stage 2 to another member of staff, s/he is advised to become involved if the parent is not satisfied, before the Stage 2 process is completed and the matter referred to the governing body.

### Stage 3: Review by the Governing Body or Governing Body Complaints Panel

It is anticipated that complaints should rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary. At this stage schools may wish to seek advice from the Local Authority or Diocese as appropriate.

It is important that this review is not only independent and impartial but that it is seen to be so. Complaints should always be considered by a panel, **not** by the full governing body. Some governors may have previous knowledge of the problem which led to the complaint being made and would be unable to give fair and impartial consideration to the issue. Furthermore should a complaint result in disciplinary action against a member of staff it would be necessary for there to be sufficient governors with no prior involvement to form a staff disciplinary committee.

It is recommended that the panel appoint a clerk to minute the meeting. 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 aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations that will satisfy the complainant that their complaint has at least been taken seriously.

What if the complaint concerns a governor?

The matter should still be referred to the Chair of Governors who will investigate the complaint. If the complaint is about the Chair of Governors, the complaint should be referred to the Vice-Chair or Governing Body Complaints Panel as appropriate.

## **The Advice and Conciliation Service**

The Advice and Conciliation Service is an impartial Service based within Children and Young People's Services and aims to help all partners and agencies become more responsive to comments, complaints, criticisms and suggestions from parents and carers, young people and other service users. We aim to investigate and resolve issues through mediation and to promote conciliation towards resolving difficulties.

The Service offers support to parents and carers who are dissatisfied with the service they have received from the Children and Young People's Service or from a school. We provide information, help and advocacy to parents, carers and others by suggesting approaches and ways of dealing with issues, to reduce the number of referrals that might otherwise become formal complaints.

We provide

- Impartial information, advice and support to parents, carers, schools and others relating to a range of educational issues.
- Advice on rights, roles and responsibilities.
- Advice on the procedures for making and responding to complaints and appeals for information.
- Independent mediation and impartial support to parties involved in conflict.

The Service also aims to raise awareness by:

- Developing links and networks with schools, other agencies, professionals and organisations in order to raise awareness of parental concerns
- Providing parents and carers with a wide range of information and training to ensure they are empowered to make informed decisions about the education of children in their care.

## **Contact Us**

We can be contacted in the following ways:

- By Post: Advice and Conciliation Service, Level 3, North Wing ,Moor foot, Sheffield S1 4PL Telephone: 0114 2053938 or 2053939
- Fax: 0114 2053940
- Email: [ed-adviceandconciliation@sheffield.gov.uk](mailto:ed-adviceandconciliation@sheffield.gov.uk)

# HALFWAY NURSERY INFANT SCHOOL

## Complaints Procedure

**In order to investigate complaints as fully as possible, the Governing Body of Halfway Nursery Infant School have implemented a staged approach.**

### 1. The First Stage

Dealing with Concerns and Complaints Informally

#### 1.1 Guidelines

- 1.1.1 It is hoped that all complaints and concerns will be resolved as early and as informally as possible. Parents and carers need not only to be listened to but also to feel that they have been listened to. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. Nevertheless, anyone receiving a complaint should ensure that a record of the complaint and its outcome is maintained.
- 1.1.2 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved immediately with the class teacher, school secretary or Head Teacher, depending on whom it is parents or carers first approach. Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. It may, on occasions, be appropriate for someone to act on behalf of the parent or carer.
- 1.1.3 It may be unclear as to whether a parent or carer is asking a question or expressing an opinion, rather than making a complaint. Similarly, a parent or carer may want a preliminary discussion or be seeking clarification of an issue in order to decide whether he or she wishes to take the matter further.
- 1.1.4 The school should inform staff that they have the right to advice or representation from their trade union at any stage of the complaints procedure once it becomes clear that a complaint is being made about a member of staff.

#### 1.2. Procedures

- 1.2.1 Parents and carers should be given an opportunity to discuss their concern with the appropriate member of staff who will clarify the nature of the concern or complaint and reassure them that the school will hear the concern or complaint and attempt to resolve it at the earliest stage. The member of staff may explain how the matter or incident arose and the issues connected with it. It may be helpful at this point for the parent or carer to identify what outcome is expected.
- 1.2.2 The member of staff will need to respond appropriately, taking into account the status and seriousness of the complaint. Hopefully, the matter can then be resolved immediately. (See notes on '**How to Listen to Complaints**' at Appendix 1).
- 1.2.3 If the member of staff first approached cannot deal with the matter immediately, then

they should make a clear note of the date, the name and contact address or telephone number given by the complainant. The Head Teacher should be informed accordingly.

- 1.2.4 All members of staff should be aware of the procedure for referring a complaint to the staff member having responsibility for the area about which a particular concern has been raised. They should also ensure that when a referral has been made, this is followed through.
- 1.2.5 Where the concern relates to the actions of the Head Teacher, the complainant should be advised to contact the Chair of the School Governing Body. In such circumstances, it is recommended that a Governors Complaints Panel comprising three members of the School's Governing Body.
- 1.2.6 The member of staff dealing with the concern or complaint should make sure that the parent or carer is clear about what action, if any, or monitoring of the issue has been agreed, putting this in writing if this appears to be the best way of advising the complainant clearly about the resolution of the matter.
- 1.2.7 In instances where no satisfactory solution has been found within 10 school working days of the complaint having been made, parents or carers should be given clear information both verbally and in writing about how to progress their complaint and about any independent advice available to them.

## **2. The Second Stage**

### Referral to the Head Teacher for Formal Investigation

#### **2.1 Guidelines**

- 2.1.1 At this stage, it will be apparent that a formal complaint has been registered and an appropriate response will be required. In some instances, the Head Teacher will already have been involved in looking at the matter; in others, it will be their first involvement. In all instances, it will be helpful for the Head Teacher (or other designated member of staff) to use these guidelines to ensure consistency and to ensure that regard is paid to the stages of the complaints procedure.
- 2.1.2 Head Teachers have responsibility for the day-to-day running of their school. They have responsibility for the implementation of the complaints procedure including decisions concerning their involvement at the various stages. A staged complaints procedure should ensure that more than one individual is involved in hearing and investigating the complaint.
- 2.1.3 Head Teachers should make arrangements to ensure that their involvement does not predominate at each stage of a particular complaint. Arrangements may be made for other staff to deal with parent and carer concerns at Stage 1, allowing for the Head Teacher's involvement at Stage 2, should this be necessary. At any stage, the Head Teacher may designate another member of staff to collect information and prepare a response.

#### **2.2 Procedures**

- 2.2.1 Formal complaints should normally be submitted in writing. In exceptional circumstances, the school may consider progressing a verbal complaint where there are believed to be sufficient grounds for doing so. The Head Teacher (or designated member of staff) will acknowledge the complaint within 3 working days of receipt.
- 2.2.2 Schools should be sensitive to the particular needs of parents or carers who may have difficulty in making a written complaint or for whom English is not their first language.
- 2.2.3 An acknowledgement should provide a brief outline of the school's complaints procedure and an expected date for the provision of a response. This will normally be within 10 school working days. If this proves to be unworkable, the complainant should be provided with an explanation for the delay and given a revised date for the provision of a response.
- 2.2.4 The Advice and Conciliation Service may become involved and enable an agreed way forward. A mediated meeting between the complainant and the school to discuss a solution may be suggested if both parties are in agreement. The aim here is to seek an early resolution to the complaint for the benefit of the child, parents or carers and the school. Prolonging a complaint longer than is necessary is of no benefit to any of the parties involved. Such involvement is not however intended to compromise the formal complaints procedure. A complainant reserves the right to invoke more formal procedures should this be thought necessary to resolve matters.

- 2.2.5 The Head Teacher should provide an opportunity for a complainant to meet with them in order to supplement any information previously provided. It should be made clear to the complainant that, if they wish, they may be accompanied at any meeting by a friend, relative or representative to speak on their behalf; and that interpreting facilities can be made available should this be necessary.
- 2.2.6 The Head Teacher will, if necessary, interview witnesses and take statements from those involved. If the complaint concerns a pupil, the pupil should also be interviewed. In some instances, another member of staff with whom the pupil feels comfortable may be asked to attend. It may be appropriate, depending on the circumstances, to invite a parent or carer to be present when the Head Teacher interviews a pupil. The Head Teacher should keep written records of all meetings, telephone conversations and other contacts made during the course of investigation of a complaint.
- 2.2.7 Once all relevant information has been gathered, the Head Teacher will then formulate a written response to the complainant. The Head Teacher may, additionally, suggest a meeting to discuss the complaint and seek a resolution. The written response should include a full explanation of the conclusion reached and the reasons for that conclusion. Where appropriate, this will include details of the action taken to resolve the complaint. If the complaint concerns a member of staff and action is to be taken against the member of staff concerned, the phrase ‘Appropriate action has or will be taken’ should be used.
- 2.2.8 The complainant should be advised that, should they find the Head Teacher’s response inadequate and they wish to take matters further, that they should notify the Chair of the School’s Governing Body within 10 school working days of receipt. The Chair should arrange for a Governors Complaints Panel to investigate the complaint and would normally chair this panel, unless an alternative chair has designated by the Governing Body.
- 2.2.9 Where a complaint has been made against the Head Teacher, arrangements should be made for the initial investigation to be conducted by a single Governor (usually the Chair or Vice Chair of the Governing Body) or a suitably constituted Governing Body Complaints panel who will undertake Stage 2 of these procedures.

### **3. The Third Stage**

Appeal to the Chair of the Governing Body or Governing Body Complaints Panel

#### **3.1 Guidelines**

- 3.1.1 It is anticipated that complaints will rarely reach this stage. It is, however, important that should they do so, any appeal is not only independent and impartial but that it should be seen to be so. All complaints reaching Stage 3 will have done so because the complainant has not been satisfied with the response provided by the Head Teacher (or Chair of Governors if the original complaint had been about the Head Teacher) at an earlier stage of the procedure. Therefore, governors who have had no prior knowledge of or involvement in the complaint must as far as is possible, handle any appeal.

- 3.1.2 As this is the last stage at which a resolution may be reached, every effort should be made to either mediate or conciliate. Parents or carers may therefore wish to seek assistance from the Advice and Conciliation Service, particularly if contact has not previously been made.
- 3.1.3 Appeals should normally be made in writing. In exceptional circumstances, the school may consider progressing a verbal complaint where there are believed to be sufficient grounds for doing so. The appeal should state clearly why it is felt that the complaint has not been resolved satisfactorily and, wherever possible, supported by documentary evidence or witness statements.
- 3.1.4 In the unlikely event of pupils needing to be interviewed, care will need to be taken to ensure that parental permission is obtained. In all instances a single governor should interview the pupil and parents or carers should be given the opportunity to attend but, if they are unable to do so, a nominated member of staff should accompany the pupil.

## **3.2 Procedures**

- 3.2.1 Upon receipt of a written request by a complainant for the complaint to proceed to Stage 3, the procedures outlined below should be followed:
1. The Chair of the Governing Body should write to the complainant acknowledging receipt of the written request.
  2. The acknowledgment should inform the complainant that the Chair of Governors or three members of the school's Governing Body, as appropriate, will investigate the complaint within 20 school working days of receipt of the request.
- 3.2.2 The acknowledgement should also explain that the complainant has the right to submit any further information or documentation relevant to the complaint. Any such documentation must, however, be received in sufficient time for this to be sent to the Chair or Panel members charged with conducting the investigation.
- 3.2.3 If a Governors Complaints Panel is conducting the investigation, the Chair of Governors should convene a panel elected from members of the school's Governing Body. Panel members should be governors who have had no prior involvement with the complaint. Generally speaking, it is not appropriate for the Head Teacher or other staff members to have a place on the panel. Governors may wish to bear in mind the advantages of having a parent or carer (who is also a governor) on the panel. Governors should be sensitive of issues of race, gender and religious affiliation and the make-up of the panel should, if possible, reflect the three categories of LA, Parent and Community governors.
- 3.2.4 The Chair should ensure that the Panel hears the complaint within 20 school working days of receiving the request. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel has been determined.

- 3.2.5 The Chair should write and inform the complainant, Head Teacher, relevant witnesses and Panel members of the date, time and venue of the meeting, at least 10 school working days in advance. The details of the complaint available at that time should also be sent in writing to the Head Teacher.
- 3.2.6 Notice of the Panel meeting sent to the complainant should also inform him/her of their right to be accompanied to the meeting by a friend, advocate or interpreter. This notice should also explain how the Panel meeting will be conducted and of the complainant's right to submit further written evidence to the Panel at least 5 school working days in advance of the meeting. The Chair should also invite the Head Teacher to attend and prepare a written report for the Panel in response to the complaint.
- 3.2.7 The Head Teacher may invite members of staff who have been directly involved in matters or issues raised by the complainant to respond in writing or, at the discretion of the Panel Chair, to attend the meeting in person. All concerned, including the complainant, should receive all relevant documentation, including the Head Teacher's report, at least 5 school working days in advance of the meeting.
- 3.2.8 It is the responsibility of the panel Chair to ensure that the meeting is properly minuted.
- 3.2.9 The aim of the Panel meeting shall be to resolve the complaint and achieve reconciliation between the school and the complainant. It has to be recognised, however, that whilst the intention is to ensure that any complaint, which reaches this stage, is seen to have been treated seriously, it may not be possible to make recommendations that fully satisfy the complainant.
- 3.2.10 The Panel should be sympathetic to the fact that some parents and carers will not be used to dealing with groups of people in formal situations such as this and may, therefore, feel intimidated by the setting. It is suggested therefore that the Chair ensures proceedings are as informal as the circumstances allow.
- 3.2.11 Should either party wish to produce previously undisclosed or uncirculated documentation, it is in the interests of natural justice to adjourn the meeting to allow sufficient time for each party to consider and respond to this.
- 3.2.12 At Stage 3, the complainant and the Head Teacher, together with and other staff who are involved with the complaint should be interviewed separately in order that the Panel can form a clear and independent view of the complaint. The interviews, which can be arranged to run consecutively, should allow for:
- The complainant to explain the nature of their complaint(s)
  - The Head Teacher to explain the school's response to the complaint
  - Panel members to have an opportunity to question both complainant and Head Teacher
  - All parties to have a right to call witnesses (subject to the approval of the Chair) and the Panel to the opportunity of questioning all witnesses
  - Parents and carers, Head Teacher and staff to have the right of representation at the meeting if they so wish

- 3.2.13 The Chair should explain to the complainant and the Head Teacher that the Panel will consider its decision and a written response sent to both parties within 15 school working days.
- 3.2.14 The Panel will consider the complain and all the evidence presented and
- Reach a unanimous or at least a majority decision on the complaint;
  - Decide upon the most appropriate course of action to be taken to resolve the complaint and,
  - Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not arise in future
- 3.2.15 Recommendations should be reported to the Governing Body at an appropriate time and a written statement outlining the decision of the Panel should be sent to the Head Teacher and complainant. Should any action need to be taken against a member of staff, in order to protect their rights, the phrase 'Appropriate action has or will be taken' should be used.
- 3.2.16 Governors should ensure that a copy of all correspondence and accompanying notes are kept on file. These records should be kept separately from the pupil's personal records.

## **4. Further recourse**

### **4.1 Referral to the Ombudsman**

**From September 2010 parents and carers in Sheffield can go to the Local Government Ombudsman (LGO) if they feel they have an unresolved complaint and have suffered injustice as a result of the actions of a school.**

- 4.1.1 Unless there are exceptional circumstances, the Ombudsman will not deal with a complaint unless the school has had a proper opportunity to consider it and respond. Since 2002, all schools should have a complaints procedure and make parents, carers and pupils aware of it.
- 4.1.2 Further information can be obtained by contacting the LGO Advice Team on **0300 061 0614**, by e-mail to [advice@lgo.org.uk](mailto:advice@lgo.org.uk) or by visiting their website at [www.lgo.org.uk/schools](http://www.lgo.org.uk/schools). The address to which correspondence should be sent is **PO Box 4771, Coventry CV4 0EH**. Advisers will pass the complaint to a specialist team who will evaluate it and speak to the complainant before deciding how to proceed.

At any stage, the LGO can decide whether or not to pursue a complaint. If the decision has been made **not** to pursue a complaint, the complainant will be written to with an explanation of the reasons. If the complaint **is** to be pursued, the Ombudsman will write to the complainant and advise them as to how it will be investigated. The aim is to reach

a decision as quickly as possible, especially when time is an important factor. Both parties will be kept informed and will have an opportunity to comment on the thinking before a decision has been made. If recommendations are made, the governing body must consider the decision and respond. If dissatisfied with the response from the governing body, the LGO can require an ‘adverse findings notice’ to be published in the local press.

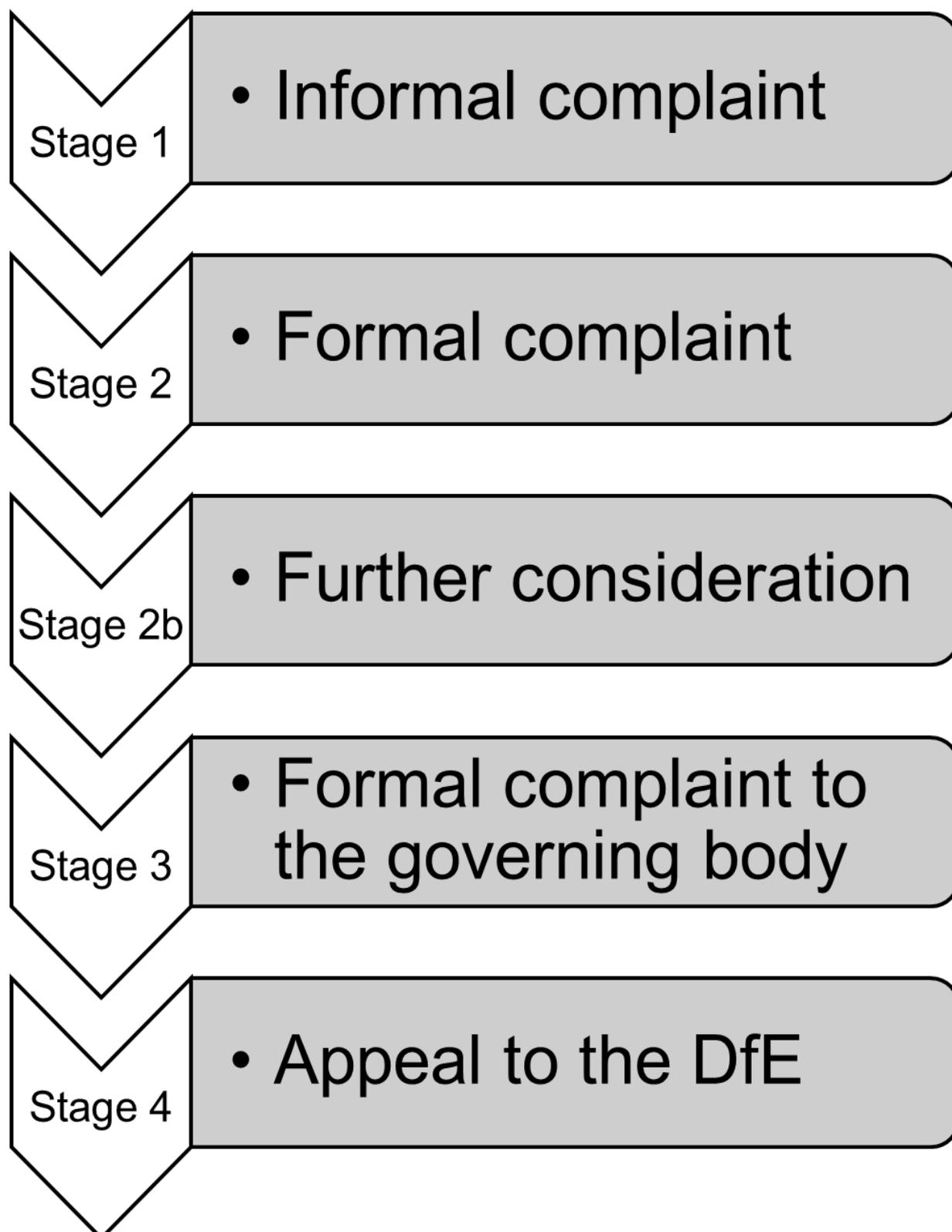
The LGO’s prime focus in dealing with complaints about schools is the needs and best interests of the child and the continuing relationship with the school.

The LGO is **not** empowered to consider or investigate disciplinary matters involving an individual teacher or matters that affect all or most of the pupils at a school.

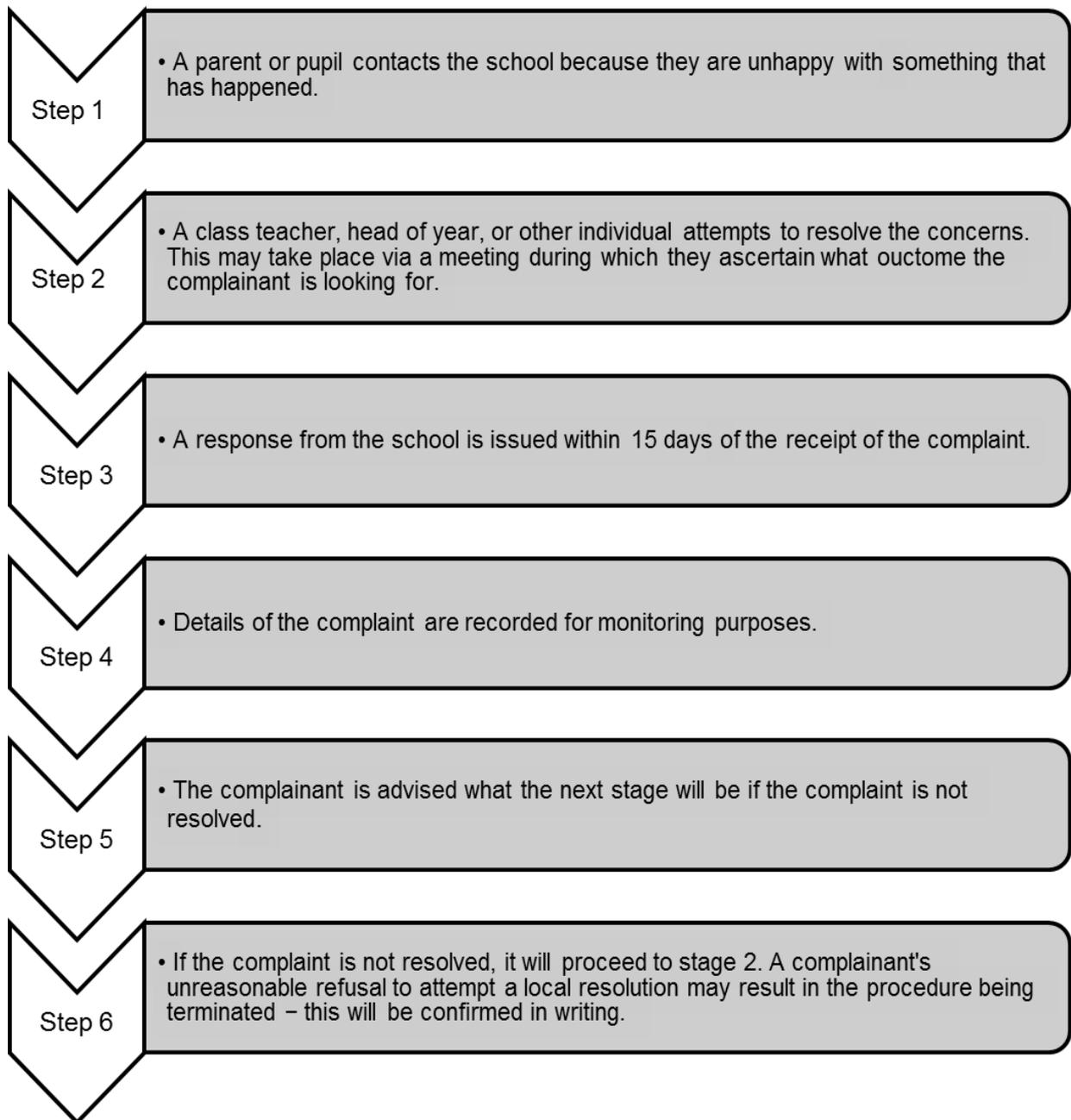
#### 4.1.3 **Complaints about Academies**

Academies operate independently of local authorities. They do not currently fall within the LGO’s jurisdiction. If you have a complaint about an academy which you have been unable to resolve, you should contact the Young People’s Learning Agency. Details can be found by visiting their website at [www.ypla.gov.uk/aboutus/contactus/complaints](http://www.ypla.gov.uk/aboutus/contactus/complaints)

## Complaints procedure at-a-glance



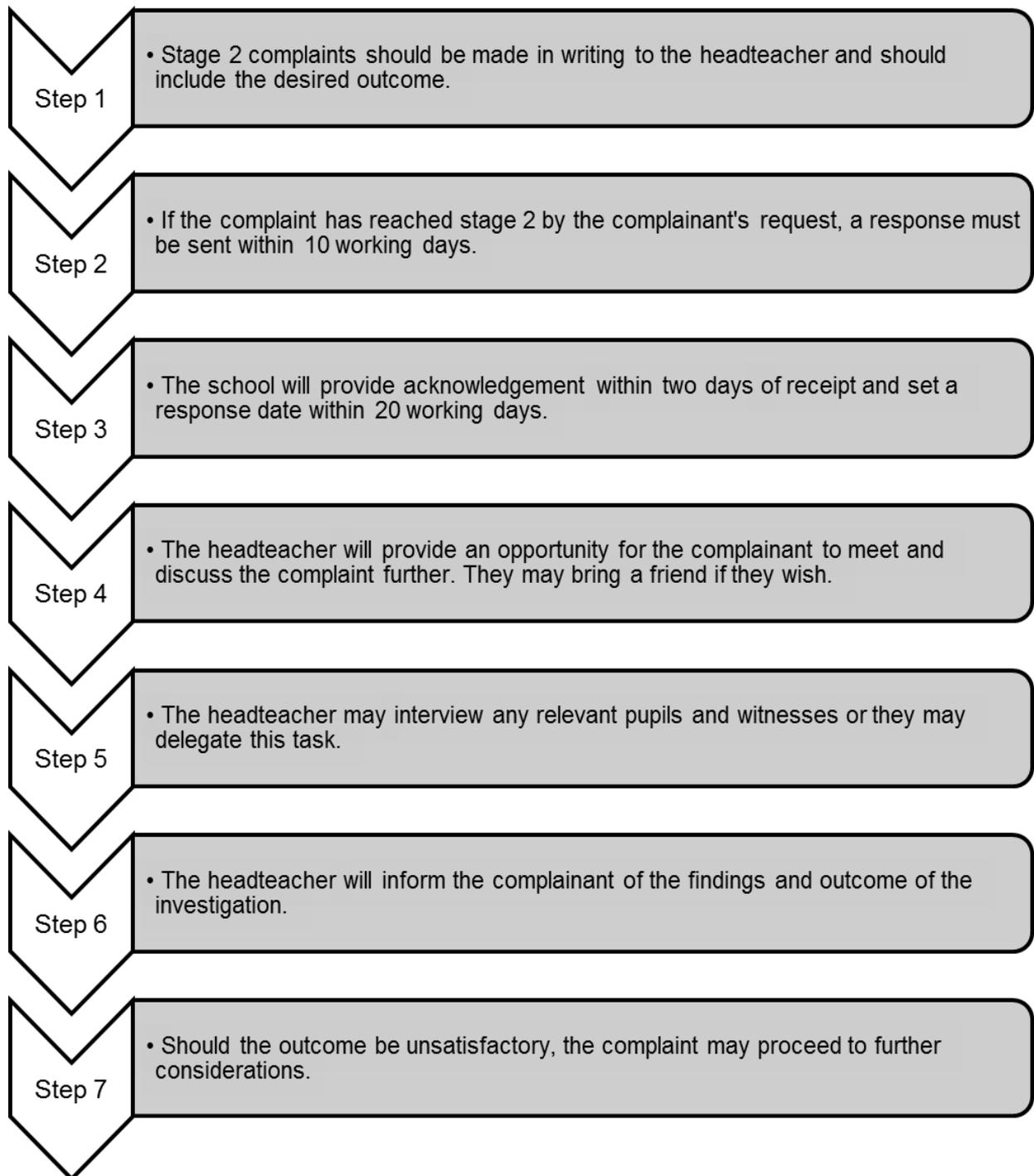
## Stage 1 – Informal complaint



## Considerations

If the complaint is centered on a class teacher or any individual in a management role it will be proceed directly to stage 2, as it would be inappropriate for someone other than the headteacher or deputy headteacher to respond. The headteacher can escalate the complaint to stage 2 at any time if they deem it appropriate.

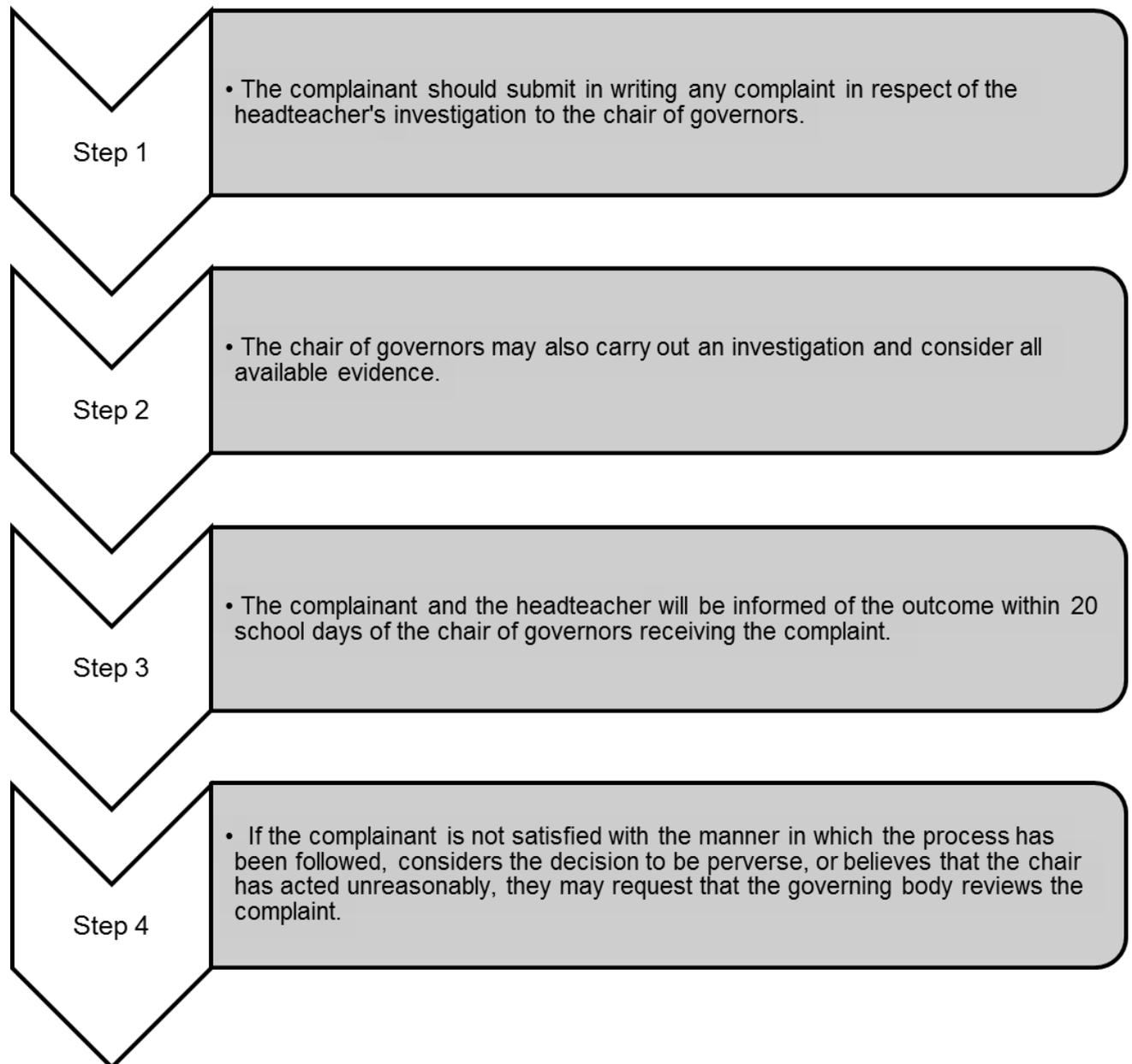
## Stage 2 – Formal complaint



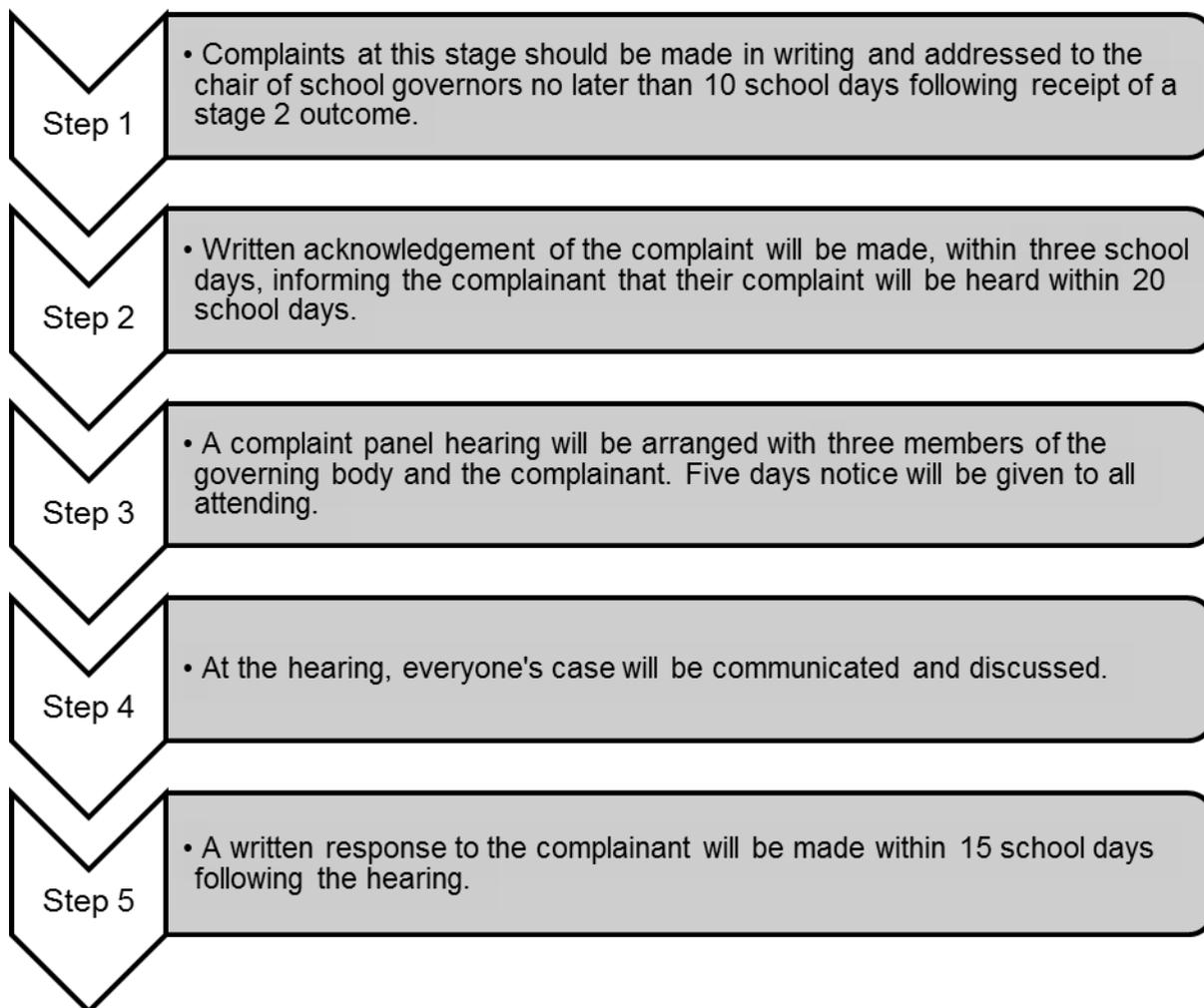
## Considerations

Should the complaint be regarding the headteacher it may be prudent for it to proceed directly to stage 3.

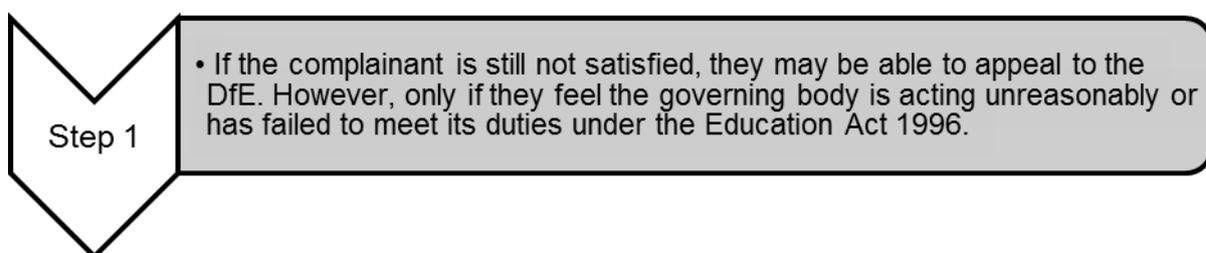
## Stage 2b – Further considerations



### Stage 3 – Formal complaint to the governing body



### Stage 4 – Appeal to the DfE



In this case, the word “unreasonably” is used in a strict sense and means acting in a way that no reasonable school or governing body could act in the circumstances.

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**School:**

**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:**

**For Official use by the school**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

## **Appendix – Roles and Responsibilities**

### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

### **The Complaints Co-ordinator (or headteacher)**

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
  - sharing third party information;
  - additional support - this may be needed by complainants when making a complaint including interpretation support.

### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - consideration of records and other relevant information;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

### **The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)**

The Clerk is the contact point for the complainant for the panel meeting and is expected 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;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

### **The Panel Chair**

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

### **Panel Member**

Panelists will need to be aware that:-

- it is important that the review panel 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.

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; However, it must be recognised that 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.
- many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child.

The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

*Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.*

- The welfare of the child/young person is paramount.

## **Interviewing Best Practice Tips**

### Children/young people

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

### Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.

- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.