BIRCHFIELD COMMUNITY PRIMARY SCHOOL and PRE-SCHOOL

PARENTAL COMPLAINTS POLICY

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Date agreed: September 26

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Date for renewal: September 27

D. England 22/09/16

BIRCHFIELD COMMUNITY PRIMARY SCHOOL and PRE-SCHOOL

PARENTAL COMPLAINTS GUIDANCE AND PROCEDURE

The Guidance

General Principles

Initial concerns

We should be clear about the difference between a concern and a complaint. Informal concerns, taken seriously at the earliest stage, will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases classroom teachers will receive the first approach and it would therefore be beneficial if staff were able to resolve issues on the spot, including apologising where necessary, so that concerns do not develop into formal complaints. In other cases, where the complaint is about the school but not from a parent/carer, it will be the headteacher that will receive an approach; again, it is beneficial if they can resolve the issue.

Formal procedures should only 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.

Framework of Principles

Our complaints procedure will:

- Encourage resolution of problems by **informal** means wherever possible.
- Be **clear** on the issues that will be dealt with under the formal complaints process
- Be easily **accessible** and **publicised.**
- Be **simple** to understand and use.
- Be **impartial.**
- Be **non-adversarial.**
- Allow **swift** handling with established **time-limits** for action and keeping people informed of the progress.
- Ensure a full and **fair** investigation by an independent person where necessary.
- Respect people's desire for **confidentiality.**
- Address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary.

- Provide **information** to the school's senior management team so that services can be improved.

Investigating Complaints

At each stage the person investigating the complaint will ensure that they:

- Establish what has happened so far, and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contact them (if unsure or further information is necessary);
- Clarify what the complainant feels would put things right.
- Consider interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Conduct any interviews with an open mind.
- Keep notes of any interviews.

Resolving Complaints

At each stage in the procedure, we will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology.
- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that the event complained of will not recur.
- An explanation of the steps that have been taken to ensure that it will not happen again.
- An undertaking to review school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem. An admission that the school could have handled the situation better is not the same as an admission of negligence.

We will try to identify areas of agreement between the parties. We will also try to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

If properly followed, our complaints procedure is expected to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. The complainant will be informed about the expected timescales associated with dealing with the complaint, however parents will be informed of the outcome of the investigation within 28 days of making the complaint. Where further investigations

are necessary, the complainant will be sent details of the new deadline and an explanation for the delay.

Formal complaints Procedure

There are three stages to our formal complaint's procedure:

- Stage one – complaint heard by the headteacher, or a member of staff.
- Stage two – complaint heard by the chair of governors, or the headteacher
- Stage three – complaint heard by the governing body's complaints panel

There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the headteacher after a meeting with the complainant.

Complaints about the headteacher will be dealt with initially by the chair of governors.

An unsatisfied complainant can always take a complaint to the next stage.

The complaints procedure can be found following this policy guidance – Appendix A.

Managing and Recording Complaints

Recording Complaints – We recognise that it is useful for us to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. Our complaint form can be found in Appendix B. At the end of a meeting, or telephone call, the member of staff involved will try to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

Governing body review – As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to our school improvement. The monitoring and review of complaints by the school and the Governing body is a useful tool in evaluating our school's performance. We can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of our procedure making changes where necessary. Complaint information shared with the whole governing body will not name individuals.

Publicising the Procedure – There is a legal requirement for the complaints procedure to be publicised. As a governing body we include details of our procedure in:

- Information given to new parents when their children join the school;
- On our website

Appendix A

Complaints Procedure

The Three Stages

Stage One: Complaint heard by the Headteacher or Staff Member
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, if staff are made aware of the procedures, they know what to do when they receive a complaint.

The ability to consider the complaint objectively and impartially is crucial. The school will respect the view of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the headteacher can refer the complainant to another staff member or will hear the complaint themselves. Where the complaint concerns the headteacher, the complainant will be referred to the chair of governors.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and to advise the complainant about the procedure for making a complaint. Governors will not act unilaterally on an individual complaint outside the formal procedure or be involved in the early stages in case they are needed to sit on a panel at a later stage of the procedure.

The complainant may be dissatisfied with the way the complaint is handled at stage one and may wish to pursue their initial complaint.

Stage Two: Complaint heard by the Headteacher or Chair of Governors
The headteacher's influence will already have shaped the way complaints are handled in the school. If the complainant was dissatisfied with the way the complaint was handled at stage one by a member of staff the headteacher will hear, and investigate, the complaint and make decisions on any action to be taken.

If the headteacher has heard the complaint, at stage one, then the chair of governors will hear the complaint. The complainant will write to the chair of governors giving details of the complaint. This will be investigated, and the chair will write to the complainant.

Should the complainant still not be satisfied he/she may ask for the matter to be referred to stage three.

It is to be noted that at this stage if the head teacher has heard and investigated the complaint, and the complainant remains dissatisfied, prior to the matter being escalated to the governing body's complaints panel the chair of governors could informally investigate the complaint. This would not prejudice the rights of the complainant in taking the matter to a review hearing, but may resolve the issue to the satisfaction of the complainant.

The Chair has the right to refuse escalation of a complaint that falls outside of the remit of the complaints panel i.e. complaints where there are no realistic outcomes that would ever satisfy the complainant, complaints that are not specifically related to the education of a pupil.

Stage Three: Complaint heard by the Complaints Panel
Complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any governor that might need to be on a panel associated with a complaint.

A panel of three governors, with delegated powers to do so, will hear the complaint. The terms of reference for the panel are to:

- Draw up its procedures.
- Hear individual complaints.
- Make one or more of the recommendations below as a result of complaints.

Remit of the Complaints Panel – the complaints panel can:

- Dismiss the complaint in whole of part.
- Uphold the complaint in whole or part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the school's systems, procedures, or policies to ensure that problems of a similar nature do not recur.

Panel members – points to remember – there are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor will 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, governors will ensure that it is a cross-section of the categories of governors and sensitive to the issues of race, gender and religious affiliation.
- 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 has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may well be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- 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.
- Extra care will need 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 governors sitting on the panel need to be aware of the complaint's procedure.

Roles and Responsibilities –
The role of the clerk – The clerk will be the contact point for the complainant and is 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 and notify all parties of the panel's decision.

The role of the chair of the complaints panel – is to ensure that:

- There is a check that the correct procedure has and is being followed.
- If a hearing is appropriate, that the clerk is notified to arrange the panel.
- The remit of the panel is explained to the parties, and each party has the opportunity of putting their case without undue interruption;
- The 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 hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- The panel is open minded and acting independently.
- No member of the panel has 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 state their case and ask questions; written material is seen by all parties;
- If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it
- The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this will usually take place within five working days.

Checklist for the panel hearing –

- The hearing is informal as possible,
- Witnesses are only required to attend for the part of the hearing in which they give their evidence,
- If the hearing is to meet with the parties individually –
    - The panel will meet with the complainant and any witnesses; they will then leave;
    - The panel will then meet with head teacher and any witnesses to hear the school's response to the complaint.
    - After each meeting the chair will explain the time scales as to when all parties will hear from the panel.
    - The panel decides on the issues.
- If the hearing is to meet with all parties concerned at the same time -
    - After introductions, the complainant is invited to explain their complaint and be followed by their witnesses.
    - The headteacher may question both the complainant and the witnesses after each has spoken,
    - The headteacher is then invited to explain the school's actions and be followed by the school's witnesses,
    - The complainant may question both the headteacher and the witnesses after each has spoken,
    - The panel may ask questions at any point,
    - The complainant is then invited to sum up their complaint,
    - The headteacher is then invited to sum up the school's actions and response to the complaint,
    - The chair of the panel will explain the time scales as to when all parties will receive notification of their decision,
    - All parties leave together while the panel decides on the issues.

Finally

If the complainant is still dissatisfied with the outcome of the complaint's procedure, they have the right to contact the Secretary of State.

Pre-School Only

Parents may approach Ofsted directly at any stage of this complaint's procedure. If the Pre-School become aware Ofsted are to undertake an inspection in relation to a complaint, the Pre-School will notify parents and carers. After an inspection the Pre-School will supply a copy of the report to parents and carers.

Where there seems to be a possible breach of the Pre-School's registration requirements, it is essential to involve Ofsted as the registering and inspection body with a duty to ensure the Safeguarding and Welfare Requirements of the Early Years Foundation Stage are adhered to.

The number to call Ofsted with regard to a complaint is 0300 123 4666. These details are displayed on the Pre-School notice board.

If a child appears to be at risk, the Pre-School follows the procedures of the Local Safeguarding Children Board. In these cases, both the parent and Pre-School are informed, and the Pre-School manager works with Ofsted or the Local Safeguarding Children Board to ensure a proper investigation of the complaint, followed by appropriate action.

A record of complaints in relation to the Pre-School, or the children or the adults working in the Pre-School, is kept; including the date, the circumstances of the complaint and how the complaint was managed.

The outcome of all complaints is recorded in the Complaints Summary Record (Appendix C), which is available for parents and Ofsted inspectors on request.

Appendix B

Complaints Procedure Complaint Form

Your Name: **Pupil's name:** **Your relationship to the pupil:** **Address:** **Postcode:** **Daytime 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:**
<u>Office use</u> **Date acknowledgement sent:** **By whom:** **Complaint referred to:** **Date:**

Appendix C

Complaints Summary Record

Date of complaint			
Source of Complaint			
Parent (in writing, including email)	☐	Staff member	☐
Parent (in person)	☐	Anonymous	☐
Parent (phone call)	☐	Ofsted (include complain number if known)	☐
		Other (please state)	☐
Nature of Complaint (please tick all the safeguarding and welfare requirements the complaint relates to)			
Suitable people	☐	Managing behaviour	☐
Staff qualifications, training, support and skills	☐	Safety and suitability of premises, environment and equipment	☐
Key person	☐	Equal opportunities	☐
Staff : child ratios	☐	Information and records	☐
Health	☐	Pupil progress	☐
Details of the complaint			

How the complaint was dealt with			
Internal investigation	☐	Investigation by Ofsted	☐
Investigation by other agencies (please state)	☐		
Please give details of any investigation or attached any outcomes letter form Ofsted:			

Actions and outcomes			
Name of recorder:		Has a copy of this record been shared with parents:	☐ Yes
Position:			☐ No
Signature:			
Date:			
Outcome notified to parent/carer (within 28 days for written complaints)			☐
Date:			