



# Kellington Primary School

Title of Policy:  
**COMPLAINTS**

Date  
Reviewed:  
**Spring 2015**

Person Responsible:  
**SLT/HT**

Frequency of Review:  
**3 YEARS**

## **Background**

The Education Act 2002 requires governing bodies of schools to have a procedure to deal with complaints about the school and any facilities or services that the school provides. The procedure must also be publicised. The school has accordingly adopted a complaints procedure in accordance with the following principles.

## **Definition of a Complaint**

A complaint is any expression of dissatisfaction about the school and any community facilities or services that the school provides.

## **Principles of the Procedure**

**Informal resolution** – If possible, complaints will be resolved through informal discussion and negotiation.

**The procedure will be easy to understand and to use** – the language will be simple and can be made available in different languages and formats where necessary.

**Publicity and accessibility** – The procedure will be well publicised and easily accessible to all via:

- ✓ posters;
- ✓ leaflets sent out with other school material;
- ✓ information in the School Prospectus;
- ✓ on the school website at: [www.kellington.n-yorks.sch.uk](http://www.kellington.n-yorks.sch.uk)
- ✓ information at parents' days, and at other appropriate school events.

**Impartiality and confidentiality** – all complaints will be dealt with impartially and subject to the need to investigate the matter fully, in confidence.

**Time limits** – complaints will be dealt with within clear time limits and everyone will be kept fully informed.

**Support** – complainants will be encouraged to be supported by a friend or adviser.

### **Full and fair investigation –**

- a. the complaint will be fully investigated;
- b. if necessary and at the discretion of the Chair of the Governing Body an independent person will be appointed by the Chair to conduct the investigation;
- c. the principles of fairness and impartiality will be fully observed at all times.
- d. If the complaint is justified appropriate redress will be offered.

**Addressing any problems** – any issues identified through the investigation of the complaint as requiring action will be addressed.

**Support for staff** – staff will be given the same level of support as the complainant.

**Anonymous complaints** – Will be investigated but only insofar as it is possible and practicable.

**Vexatious complaints** – will be assessed to decide whether any new issues have been raised. If so then these will be investigated in accordance with the Complaints Procedure.

**Training** – staff and governors will be briefed in handling complaints to seek to ensure that a consistent approach is taken to all complaints received.

**Persistent complainants** – complaints will be thoroughly investigated but will not be re-opened unless relevant new issues are brought forward.

### **Review**

This Policy shall be reviewed by the Governing Body every three years.

## KELLINGTON PRIMARY SCHOOL

### COMPLAINTS PROCEDURE

#### Exceptions to the Procedure

This procedure does not cover those areas of school life for which other procedures exist including:

|                                                                                                      | For further information contact:-                |
|------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| (a) staff grievance and capability procedures                                                        | Human Resources                                  |
| (b) staff disciplinary procedures                                                                    |                                                  |
| (c) child protection investigations                                                                  |                                                  |
| (d) admission appeals <sup>1</sup>                                                                   | Local Area Office                                |
| (d) exclusion appeals <sup>2</sup>                                                                   | Local Area Office –<br>Behaviour Support Service |
| (e) appeals against the decisions of the LA about a child's special educational needs and provisions | Local Area Office – SEN Officer                  |

| Complaints involving the following areas: |                                                                            |
|-------------------------------------------|----------------------------------------------------------------------------|
| (f) Human Rights                          | Schools are recommended to seek advice from Legal Services at County Hall. |
| (g) Race Relations                        |                                                                            |
| (h) Sex Discrimination                    |                                                                            |
| (i) Disability Discrimination             |                                                                            |
| (j) Age Discrimination                    |                                                                            |

### PROCEDURE

<sup>1</sup> In Foundation and Voluntary Aided Schools, complaints should be sent to the school's governing body.

<sup>2</sup> In Foundation and Voluntary Aided Schools, complaints should be sent to the school's governing body.

### **a) Informal Stage**

- Anyone with a concern about any aspect of the school is encouraged to raise their concern, either personally or through someone else, with their child's class teacher, a senior member of staff or with the Headteacher. Everything possible should be done at this stage to resolve the matter.
- If the concern cannot be resolved by informal means then the person expressing the concern will be told of the option of pursuing a formal complaint and be provided with a copy of this procedure.

### **b) Formal Complaint – Stage One – Investigation by a designated member of staff/Headteacher<sup>3</sup>**

- Formal complaints must be detailed in writing (a complaints form is attached for this purpose). To ensure that the complaint is properly investigated it must be as clear as possible. If necessary clarification will be sought from the complainant about any aspect of the complaint which is unclear;
- If a complainant requires help to put their complaint in writing then they will be offered the opportunity to meet with the designated member of staff/Headteacher who will make a written note of the complaint and agree it with the complainant;
- The designated member of staff/Headteacher will send an acknowledgement within 5 working days of receiving the written complaint and will confirm:
  - ✓ details of the complaint to be investigated;
  - ✓ who will be investigating the complaint;
  - ✓ that a substantive response to the complaint will be given within 20 working days of receipt. If this timescale cannot be met an explanation will be given with a revised timescale;
- The complaint will be recorded;
- The designated member of staff/Headteacher will investigate the complaint in accordance with the principles of the Complaints Policy;
- The designated member of staff/Headteacher will write to the complainant within 20 days of receipt of the complaint (or by date given in the acknowledgement letter) and advise him/her of the outcome of the investigations.
- If the complaint is upheld the complainant will be informed accordingly and given an indication of the steps that will be taken to put matters right. The school will seek guidance from Legal Services at County Hall before making any admissions which may lead to a legal claim. If, on the basis of the information available, it is not possible to arrive at a definitive decision on the complaint the complainant will be informed accordingly with the reasons why;

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<sup>3</sup> If the complaint is about the Headteacher then the complaint should be dealt with by the Chair. In the event of the complainant remaining dissatisfied the complaint should then proceed to stage three.

- The complainant will also be informed that if they are dissatisfied with the outcome of the investigation then they have the right to appeal against the outcome to the Chair of the Governing Body and how to do it.

**c) Formal Complaint – Stage Two – The Chair of the Governing Body**

- Requests for a stage two investigation must be in writing and addressed to the Chair of the Governing Body at the School;
- The Chair will send an acknowledgement within 5 working days of receiving the request and tell the complainant that a substantive response to the complaint will be given within 20 working days of receipt. If this timescale cannot be met an explanation will be given with a revised timescale;
- The request will be recorded;
- The Chair will investigate the complaint in accordance with the principles of the Complaints Policy;
- The Chair will write to the complainant within 20 days of receipt of the complaint (or by date given in the acknowledgement letter) and advise him/her of the outcome of the investigations.
- If the complaint is upheld the complainant will be informed accordingly and given an indication of the steps that will be taken to put matters right. The Chair will seek guidance from Legal Services at County Hall before making any admissions which may lead to a legal claim. If, on the basis of the information available, it is not possible to arrive at a definitive decision on the complaint the complainant will be informed accordingly with the reasons why;
- The complainant will also be informed that if they are dissatisfied with the outcome of the investigation then they have the right to appeal against the outcome to the Complaints Appeals Committee and how to do it.

**d) Formal Complaint – Stage Three – Complaints Appeals Committee Hearing**

- Requests for a stage three hearing must be in writing and addressed to the Clerk to the Governing Body at the School;
  - ✓ the Clerk will acknowledge the request within 5 working days of receiving the request
- The Clerk will ask the investigator at Stage 1 to attend the hearing to present the school's case.
  - ✓ if written submissions are to be made by the Headteacher they should be submitted to the Clerk at least 10 working days before the hearing to enable copies to be provided to the committee, the complainant and any other relevant parties.
- At least 7 working days prior to the meeting the clerk will:
  - ✓ notify all parties of the date, time and place of the hearing;
  - ✓ provide all parties with a copy of any written representations submitted;
  - ✓ provide all parties with details of the format of the hearing;

- ✓ ask the parties whether they have any particular needs for the meeting e.g. induction loop, translator etc;
  - ✓ confirm who will be in attendance at the hearing or whether they wish to rely upon written submissions.
- Within 5 working days following the hearing the clerk shall:
- ✓ inform all the parties concerned in writing of the decision(s) of the Committee;
  - ✓ if the Committee has agreed to request the LA to review the process by which the committee arrived at its decision then all parties will be informed of this;
  - ✓ the complainant will also be informed that if he/she remains dissatisfied then they may write to the Department for Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester M1 2WD.

(Insert School Logo and address of School)

It will help us if you use this form to make your complaint but please write a letter if you prefer, covering all the points on the form. Please continue your answers on a separate sheet if there is not enough space on this form. When you have filled in the form, send it to The Headteacher (insert name and address of school) if you need any help completing this form please contact the Headteacher.

We will only process your personal data in order to respond to your complaints. In general it will be used for administrative and statistical purposes.

Your name

|                                   |                             |                              |                               |             |
|-----------------------------------|-----------------------------|------------------------------|-------------------------------|-------------|
| Mr <input type="checkbox"/>       | Ms <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Other ..... |
| First name (BLOCK CAPITALS) ..... |                             |                              |                               |             |
| Surname (BLOCK CAPITALS) .....    |                             |                              |                               |             |

Your address

|  |          |
|--|----------|
|  | Postcode |
|--|----------|

Daytime tel. no.  Mobile tel. no.

Email address

Do you have any special requirements, for example if English is not your first language, disabilities?

|  |
|--|
|  |
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Have you contacted the school about this matter before? Yes  No

|                                            |
|--------------------------------------------|
| If yes, who did you contact, when and how? |
|--------------------------------------------|

Have you received a reply? Yes  No

|                       |
|-----------------------|
| If so, when was this? |
|-----------------------|



How would you like to see the matter resolved? Please use additional sheets if required

If you have any documents to support your compliment, comment or complaint, please send them with this form. Please tick the box if you would like them returned to you.

We will send an acknowledgement within 5 working days of receiving your communication and will tell you what is happening. If a further response is required, this should reach you within 20 working days.

**FOR OFFICE USE ONLY**

|                        |                      |               |                      |
|------------------------|----------------------|---------------|----------------------|
| Complaint reference    | <input type="text"/> | Date Received | <input type="text"/> |
| Acknowledgement sent   | <input type="text"/> |               |                      |
| Substantive reply sent | <input type="text"/> |               |                      |

## **THE COMPLAINTS APPEALS COMMITTEE – GUIDANCE FOR SCHOOLS**

### **The Complaints Appeals Committee - Establishment**

#### **General**

At the first meeting in the autumn term every governing body should establish a committee whose role is to determine appeals against stage 2 decisions on formal complaints made under the school's complaints procedure. The committee will only hear those complaints which have reached stage 3 of the procedure. i.e. after the complaint has already been investigated by the Headteacher/Chair of Governors.

#### **Constitution**

Whilst it is for the governing body to determine the constitution of the committee it is strongly recommended that this should be any three governors, apart from staff governors and associate members, as available at the time of the appeal. Because of the need to provide confidence in the impartiality of the committee staff governors should not be appointed to the committee. Equally, associate members should not be appointed to the committee because they may not vote on a range of issues including the budget, financial commitments of the governing body, admissions and pupil discipline and may therefore find their effectiveness curtailed if any of these issues form part of the complaint.

#### **Terms of reference**

The terms of reference suggested for the committee are:

“to consider appeals in respect of complaints made pursuant to the school's complaints procedure including full delegated authority to:

- dismiss the appeal in whole or in part;
- uphold the appeal in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.”

#### **Delegation**

The committee should be given full delegated authority to act.

## The Complaints Appeals Committee – Procedure (Stage 3)

### Receipt of complaint

Schools will have followed the complaints procedure up to this point and the complaints committee will only normally become involved after the complaint has been investigated at Stage 2 of the procedure. The complainant should have written to and told the Clerk to the governing body that he/she remains dissatisfied with the Stage 2 decision and now wishes the matter to be considered by the committee at Stage 3.

### General Procedure

- ✓ The Clerk should acknowledge receipt of the complainant's letter within 5 working days of its receipt. See sample letter 'A'.

### Arranging the hearing

The Clerk will make the necessary arrangements for the hearing to take place within 20 working days taking into account the following matters:

- ✓ check that 3 governors, **not previously involved in the complaint** are available, remembering not to include staff governors or associate members;
- ✓ if the complaint is against a member of staff ensure that the members of the committee are not also members of the Staff Dismissal Committee (or Staff Dismissal Appeals Committee);
- ✓ is the preferred date and time of the hearing convenient to **all** the parties involved?;
- ✓ is the school an appropriate place for the hearing or would a more neutral venue be preferable?
- ✓ is the chosen venue readily accessible to all?
- ✓ do the seating arrangements strike the right balance between the formality of the hearing and the need to create a more relaxed atmosphere?
- ✓ will water or soft drinks be available for people during the hearing?
- ✓ do any of the parties have any special requirements for the hearing? e.g. Induction loop, translator etc;
- ✓ are separate rooms available if any of the parties wish to discuss any relevant matters in private either before or during the hearing?

The Clerk should inform everyone of the arrangements made giving at least 7 clear working days notice and provide everyone with the agenda setting out the format for the hearing. See the sample agenda.

### Who should be invited to the hearing?

- The complainant (not forgetting that he/she may be accompanied by a friend or an adviser);
- The Committee;
- The Headteacher, Chair of Governors or designated member of staff whoever investigated the complaint at Stage 2. The Headteacher (with an adviser if they so wish) should make every effort to attend the hearing but if he/she declines to attend it should be borne in mind he/she will not be able to answer questions from the complainant or the committee and this might be unhelpful to the committee in reaching its decision.
- Any witnesses that any of the parties may wish to call to give evidence.

When advising everyone of the arrangements for the hearing remind the complainant and the Headteacher that written submissions must be submitted to the Clerk not less than 7 working days prior to the hearing to enable the Clerk to provide copies in advance to everyone concerned.

Written representations when received should be sent by first class post to all the parties concerned.

### The Hearing

The Clerk (and Legal Adviser to the Committee, if any) should arrive early to ensure that the arrangements for the hearing are in order.

The committee should take its place in the hearing room without the complainant, Headteacher or witnesses being present and the clerk should take the opportunity to:

- clarify any procedural points with the committee; and
- elect a Chair for the hearing.

The complainant, the Headteacher and their friends or advisers (but not witnesses) should then be invited in to the hearing. **The complainant or the Headteacher, Chair of governors or designated member of staff (and friends or advisers or witnesses) should not be left alone with the Committee at any time.**

The Chair should open the hearing by introducing him/herself and the members of the committee. He/she should inform everyone of the role of the committee and stress that the committee has had no prior involvement in the complaint and that it will look afresh at all the issues involved and arrive at its own decision on the matter(s). Also, that the decision(s) of the committee is final insofar as the school is concerned. The Chair should then invite everyone else present to introduce themselves and their role in the proceedings.

The Chair should confirm with everyone that they have received a copy of all relevant papers to which they are entitled (ideally the Clerk should do this prior to the meeting and provide a copy of any missing papers – this would help prevent delays at the hearing). It may be helpful to number the pages. If anyone has not received any of the papers they should be provided with a copy and given time to read them and if they request it they should be allowed to do this in private and if necessary confer with their friend/adviser.

The meeting should then follow the format set out in the agenda. If either of the parties' wish to have a recess then the Chair should facilitate that, if at all possible, however the decision to allow a recess is entirely at the discretion of the Chair. If a recess is allowed there should be no discussion on the matters heard thus far and the complainant, the Headteacher, Chair of governors or designated member of staff (or witnesses/friends/advisors) should not be left alone with the committee.

Witnesses should be invited in to the hearing when it is their turn to give evidence. After giving evidence and answering questions witnesses should be invited to leave the hearing if they wish. Alternatively they may remain in the hearing but they should not be allowed to take any further part in the proceedings.

At the conclusion of the hearing the Chair of the committee should thank everyone for their contributions and inform the complainant and the Headteacher that the committee will make its decision in private and that they will be notified of the outcome by the Clerk within 5 working days of the meeting. Everyone, with the exception of the committee and the Clerk, should then leave the meeting whilst the committee deliberates in private. It might be appropriate to ask the complainant, the

Headteacher, the Chair of Governors or designated member of staff and any witnesses to stay behind for a short while in the event that the committee needs clarification on any point or to give the parties the option to wait to hear the decision in person if the committee expects to reach one within a reasonable length of time. In either of the above circumstances it will be necessary for **ALL** the parties concerned to be present.

### The Decision process

The committee should consider in private all the evidence submitted. If the committee requires clarification on any point then **all** the parties should be invited back in to the hearing only whilst the committee seeks the necessary clarification. Remember also that this is not an opportunity for anyone to re-open the hearing.

After arriving at its decision the clerk should confirm with the committee that his/her understanding of the decision is correct. The clerk should also seek guidance from the committee about whether it would wish to invite the LA to review the process it undertook to resolve the complaint. The committee has discretion about whether to do this or not.

If the decision of the committee is thought likely to lead to further action by the complainant e.g. a claim for damages, the committee should consult with Legal Services at County Hall before reaching a final conclusion.

### After the hearing

The clerk should prepare a draft of the letter setting out the decision. This should be approved by the Chair of the committee and signed by him/her prior to being sent to the complainant and the Headteacher within the agreed 5 working days. See sample letters to be signed by the Chair of the committee.

### Minutes and reporting to the Governing Body

Draft minutes of the hearing should be prepared and once they have been agreed with the committee the minutes should be signed by the Chair of the committee. They should not be submitted to the governing body nor should a detailed resume of the hearing be given to the governing body. All that should be reported is that a hearing was held and the decision. The reason for this is that there may be issues arising from the complaint that may require further investigation and which may lead to disciplinary action against a member of staff. To give a detailed account of the proceedings of the hearing may be prejudicial to any disciplinary or other proceedings.

### Records

The records of the complaint should be kept securely in school and retained in accordance with the requirements of the Schools' Information Governance Manual issued by Children and Young Peoples' Service in May 2006.

### Stage 3 Critical Timescales

| <b>Item</b>                             | <b>Action</b>                     |
|-----------------------------------------|-----------------------------------|
| Letter referring complaint to Committee | Acknowledge within 5 working days |
| Hearing                                 | Within 20 working days            |

|                                                          |                                                    |
|----------------------------------------------------------|----------------------------------------------------|
| Despatch of Agenda                                       | At least 7 clear working days before the hearing   |
| Receipt of written submissions from complainant and Head | At least 7 working days before the hearing         |
| Send out written submissions (if any)                    | As soon as possible after receipt                  |
| Letter to complainant giving decision of Committee       | Not more than 5 working days following the hearing |

## **SAMPLE LETTERS**

### **Letter 'A' – Acknowledgement letter from Clerk**

Dear

#### **Your Complaint**

I write to acknowledge receipt of your letter of (insert date) and write to let you know how your appeal will now be dealt with.

A hearing by the Complaints Appeals Committee will be held within 20 working days from the receipt of your complaint i.e. by (insert date). The committee is made up of 3 governors who have no prior knowledge of the details of the complaint. The role of the committee is to consider your complaint and the action taken to address the complaint to date together with any information that the Headteacher (*or Chair of Governors or designated member of staff as appropriate*) wishes to put forward. The Committee will then consider in private all the information presented to it and arrive at its decision. The Committee has the authority to:

- dismiss the appeal in whole or in part;
- uphold the appeal in whole or in part;
- decide on any appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur."

You will be notified in writing of the decision of the committee within 5 days of the meeting.

I will be acting as clerk to the committee and it is my responsibility to make all the necessary arrangements for the meeting and to take the minutes of the meeting and offer procedural guidance only. Any correspondence that you may wish to submit to the committee should be sent to me at the address shown at the head of this letter.

You are entitled to attend the meeting and to present your complaint and you may be accompanied by a friend or an advisor who may speak on your behalf if you so wish. You or your friend or adviser may also submit, in advance, written representations. These will be circulated to the committee and to the Headteacher and must therefore be sent to me to arrive not less than 10 working days prior to the meeting to enable me to do that. If the Headteacher similarly submits any written representations then you will be provided with a copy 5 working days in advance of the meeting.

I will contact you again soon to discuss the date, time and venue for the meeting but in the meantime if you have any questions in connection with this matter please do not hesitate to contact me.

Yours sincerely

Clerk to the Complaints Appeals Committee of (name of school) Governing Body

## **Letter 'B'- letter of decision to complainant – rejecting complaint**

Dear

### **Your Complaint – Complaints Appeals Committee Hearing– (insert date of hearing)**

May I first of all thank you for attending the hearing by the Committee held on (insert date).

The Committee after carefully considering all the information presented to it has decided that no further action should be taken on your complaint for the following reasons:

Set out the reasons for the decision e.g.

- a) It is recognised that an error had occurred at the early stage of the matter the subject of your complaint. Whilst this was regrettable it is the view of the committee, that the early action taken by the Headteacher to correct the error once it was discovered was sufficient to correct the situation.
- b) Because action was taken early there was no evidence to demonstrate that you had suffered materially as a consequence;
- c) The Headteacher has already apologised to you both verbally and in writing for the error;
- d) The Governing Body will be reviewing policies and procedures to see if they can be improved.

\*I have to advise you that the Committee has also decided to invite the Local Authority (LA) to review the process it undertook to resolve the complaint. The LA will consider and advise as appropriate and I will inform you when a reply is received from the LA.

The hearing of your complaint by the Committee brings to an end the formal procedures set out in the school's Complaints Procedure. However, if you remain dissatisfied then you may write to the Department for Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester M1 2WD.

Yours sincerely,

Chair of the Complaints Appeals Committee of (Name of school) Governing Body

\* Insert only if this has been agreed by the Committee



## **Letter 'C' - letter of decision to complainant – upholding complaint**

Dear

### **Your Complaint – Complaints Appeals Committee Hearing – (insert date of hearing)**

May I first of all thank you for attending the hearing by the Committee held on (insert date).

The Committee after carefully considering all the information presented to it has decided to uphold your complaint for the following reasons:

Set out reasons e.g.

- a) It is recognised that an error had occurred at the early stage of the matter the subject of your complaint and that this error had not been identified or action taken to correct it;
- b) Because the error was not identified you had to pay twice for the music lessons;

Further the Committee has determined that the following action shall be taken to address your complaint:

Set out redress offered e.g.

- 1) The Headteacher and the Committee offer an unreserved apology to you for the distress caused by the failure to properly address the original error;
- 2) A refund of the overpaid music lessons fee will be made to you as soon as possible;
- 3) Measures have now been put in place to prevent any further similar errors occurring.

The Committee hopes that this now brings this matter to a conclusion and thanks you for the professional and courteous way in which you dealt with the matter at the hearing.

\*The Committee has also decided to invite the Local Authority (LA) to review the process it undertook to resolve the complaint. The LA will consider and advise as appropriate and I will inform you when a reply is received from the LA.

Yours sincerely

Chair of the Complaints Appeals Committee of (Name of school) Governing Body

\* Insert only if this has been agreed by the Committee

## Sample Agenda

**A Hearing by the Complaints Appeals Committee of (Name of School) Governing Body will be held at (insert venue) on (insert date) at (insert time)**

**The order of business for the hearing is set out below:**

1. To elect a Chair for the hearing.
2. Introductions.
3. The Chair to outline the procedure.
4. (Name of complainant) to explain his/her\* complaint.
5. Headteacher and the Committee may ask questions.
6. Headteacher to explain the school's response.
7. (Name of complainant) and the Committee may ask questions.
8. The Headteacher to make a statement in summary.
9. (Name of complainant) makes a statement in summary.
10. All, with the exception of the Committee and the Clerk to leave whilst the Committee considers its decision. Written notice of the decision will be sent to the Complainant and the Headteacher within 5 working days of the hearing.
11. The Committee will then consider the complaint in private session.

Clerk to the Committee of (Name of school) Governing Body

Enclosures: List all the enclosures to accompany the agenda e.g.:

- a) A copy of the school's Complaints Procedure;
- b) A copy of the original complaint;
- c) Copies of letters between the complainant and the school in connection with the complaint;
- d) Copy of written submissions from the complainant and the Headteacher.
- e) Any relevant guidance issued by the LA.

\* delete as appropriate

## HANDLING COMPLAINTS – GUIDANCE FOR GOVERNORS

Complaints are an everyday fact of life and every organisation needs to have procedures for handling them. Schools are no different but governors probably find dealing with complaints relating to the school the most difficult to deal with. Governors may feel that they are caught between their loyalty to the school and the expectations of the complainant to have their complaint dealt with fairly. These notes are intended to guide governors faced with having to deal with a complaint

Tensions are likely to occur because:

- on the one hand complainants may see governors as having the authority to directly resolve their complaint whereas the reality is that governors must work within the adopted complaints policy of the school and remain entirely independent;
- on the other hand, complainants generally have an expectation that governors, particularly parent governors, are there to help them.

It is important therefore that governors fully acquaint themselves with the adopted complaints policy of the school and abide by that policy. This does not mean that a governor cannot listen to a complaint if approached by a complainant (although this may preclude the governor from being involved formally at any later stage in the complaints process). If approached by a complainant with a complaint it is important to:

- recognise that for the person concerned the issue is of serious concern (even if it appears trivial);
- LISTEN but avoid commenting on the pros or cons of the complaint;
- point out that as an individual governor you have no power to act;
- check whether the complainant has raised their complaint with the school;
- if not, advise them to do so and refer them to the school's complaints procedure;
- consider whether it is appropriate to draw the matter to the attention of the headteacher 'for information' in a totally non-judgmental way, making it clear that this does not indicate siding with the complainant.

Sometimes the concern/complaint will have implications for school policy or procedures. If so these should normally be picked up during the investigation of the complaint, if not, it may be appropriate to raise the general issue at a governing body meeting. **However, this should not be done until the complaint has been dealt with fully.** To do otherwise may seriously prejudice dealing with the complaint in accordance with the complaints procedure and any action that might flow from the investigation of the complaint e.g. staff disciplinary matters.

## **HOW TO LISTEN TO COMPLAINTS – GUIDANCE FOR GOVERNORS AND STAFF**

A natural reaction when listening to a complainant is to be defensive, but this is usually counter productive. When you realise that you are listening to a complaint, try to remember the following:

|                                                          |                                                                                                                                                                                                                                                              |
|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Say who you are</b>                                   | If you are unknown to the person, introduce yourself.                                                                                                                                                                                                        |
| <b>Ask for their name and use it</b>                     | Anonymous complaints are acceptable only where there are special circumstances.                                                                                                                                                                              |
| <b>Be courteous and patient</b>                          | Be sympathetic and helpful, but do not blame other colleagues.                                                                                                                                                                                               |
| <b>Stay cool and calm</b>                                | Do not argue - be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong.                                                                                                                                               |
| <b>Don't 'pass the buck'</b>                             | Do not to keep transferring the complainant from one place to another. Make sure you know the contact person for anything you cannot deal with yourself. If necessary offer to make enquiries and arrange for the correct person to contact the complainant. |
| <b>Treat every complaint individually</b>                | Even if you have already received several similar complaints the same day, it is probably the complainant's first chance to have their say.                                                                                                                  |
| <b>Treat all complaints seriously</b>                    | However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain.                                                                                                                        |
| <b>Take time to find out exactly what the problem is</b> | It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.                                                                                                                                                 |
| <b>Don't take the complaint personally</b>               | To an angry or upset person, YOU are the school, and the only one they can put their feelings to right now.                                                                                                                                                  |

|                                                                      |                                                                                                                                                                                                              |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Don't rush</b>                                                    | Take your time. Let people have their say, and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step. |
| <b>Check you are being understood</b>                                | Make sure that the person understands what you are saying. Do not use jargon - it can cause confusion and annoyance to someone 'not in the know' or for whom English is a second language.                   |
| <b>Check that you have understood the complaint</b>                  | It is important to ensure that you have understood the complaint. Check with the complainant that you have understood them correctly and confirm any points that might be unclear or confused.               |
| <b>Write down what you have been told</b>                            | To avoid any possible misunderstanding it is useful to write down what you have been told and if necessary provide a copy of your note to the complainant and ask them to confirm that it is accurate.       |
| <b>Do offer the School's Complaints Procedure to the complainant</b> | Trying to deal with a complaint and not making them aware of the complaints procedure can cause confusion and make matters worse and result in "old ground" having to be covered twice.                      |
| <b>Consider any Learning Outcomes</b>                                | Complaints may inform better practice/service and this should be viewed as a positive outcome of managing complaints.                                                                                        |

## **KELLINGTON PRIMARY SCHOOL** **INFORMATION LEAFLET**

### **Bringing your concern or complaint to the attention of the school**

#### **Introduction**

This leaflet explains how you may complain about the school or any facilities or services that the school provides

#### **Will I have to fill out any forms?**

You do not need to fill out any forms to discuss your concern or complaint with either a member of staff, the Headteacher or the Chair of the Governing Body. If you are not satisfied with the outcome of your discussions you can then submit a formal complaint and this will have to be done in writing. The school's Complaints Procedure will tell you how to proceed and it includes a simple form to complete if you wish.

#### **How do I let the school know that I have a concern or complaint?**

Contact your child's tutor and let the school know as soon as possible that you have a concern or a complaint and give the school the opportunity to investigate the matter properly. Most concerns or complaints can be sorted out this way. Remember, do not leave it too long to report your concern because it can be difficult to investigate something that happened some time ago. It is also helpful if you can provide a short written statement of your concern or complaint. This will help to avoid any misunderstanding and provides a written record of your concern or complaint.

#### **I think that my concern or complaint should be looked at by the Headteacher or the Chair of the Governing Body**

Telephone or call at the school office and ask to make an appointment to see the Headteacher or the Chair. You will be able to take a friend or an adviser with you to the meeting but it is courteous to tell the Headteacher or Chair that you will be accompanied. The Headteacher/Chair may also wish to be accompanied at the meeting.

#### **What if my complaint is about the Headteacher?**

You will need to write to the Chair of the Governing Body at the school and explain your complaint. The Chair will investigate your complaint. This may include meeting with you. You may be accompanied at any meeting by a friend or adviser but it is courteous to tell the Chair that you will be accompanied. The Chair will then write to you with the outcome of his/her investigations.

### **What happens if I make a formal complaint?**

The Headteacher or Chair or designated member of staff will investigate your complaint fully. This may include meeting with you to discuss the matter. You may be accompanied by a friend or adviser to any meeting. Once the investigation is completed you will be informed of the outcome in writing.

### **What if I am not satisfied with the outcome of the investigation?**

You can write to the Clerk to the Governing Body at the school and ask that your complaint be considered by the Complaints Appeals Committee of the Governing Body. The Committee will not include any governor who was involved in the prior investigation of the complaint or who has prior knowledge of the complaint. The Clerk to the Governing Body will arrange a hearing by the committee and you will be invited to attend the hearing (with a friend or adviser) to explain your complaint.

The Clerk will write to you and make sure that you are kept fully informed and guide you through the procedure.

After the hearing the Chair of the committee will write to you and let you know the committee's decision.

### **If I am still not satisfied is there anything else that I can do?**

Once the committee has made its decision then that is the final step in the school's Complaints Procedure. If you feel that the governing body has acted or intends to act unreasonably or that it has failed to discharge its duties then you can write to the Department for Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester M1 2WD.

Occasionally a committee may ask the Local Authority to review the process it undertook to resolve the complaint. The powers of the Local Authority are limited to looking at the process and expressing a view about the complaint and any means of resolving it. You will be informed if the committee decide to do this.

## **Notes**