



# WHITESTONE PRIMARY SCHOOL

## COMPLAINTS POLICY



### Background to the Complaints Procedure

The Education Act 2002 requires all governing bodies to establish procedures for dealing with complaints from parents, pupils, members of staff, governors, members of the local community, etc.

School complaints policies should take into consideration Welsh Assembly Government circular 03/2004 "School Governing Body complaints procedures" and circular 39/2006 "Guidance for school governing bodies on procedures for complaints involving pupils".

The procedure that follows **does not** deal with complaints about the following issues:

- The curriculum.
- SEN.
- RE and collective worship.
- Admissions.
- Exclusions.
- Staff grievance.
- Teacher capability.
- Staff disciplinary.
- Child protection issues.
- Complaints about an individual or organisation outside the School.
- Potential criminal behaviour.
- Complaints relating to pupil behaviour outside school.

Separate procedures already exist to deal with these or they would be referred to an external body such as social services or the police.

In developing complaints procedures, governors must consult with staff, pupils and parents, and their finalised procedures must be formally adopted and published.

All complainants need to be clear that untruthful allegations can be upsetting and disruptive for all involved.

## **Whitestone Primary School Complaints Procedure**

This school takes all complaints very seriously. We aim to solve concerns and complaints as soon as we can, in the interests of all concerned and to learn lessons from complaints made to us.

### **Principles of the procedure**

- The school will make every effort to respond quickly in order to solve the complaint at an early stage if possible.
- The school will try to provide a fair and consistent approach when dealing with complaints.
- All those involved in dealing with complaints at Stages 2 and 3 must be impartial and have no previous involvement with the complaint, personal links with the person making the complaint (the complainant) or the person against whom the complaint is being heard.
- Everyone involved with a complaint will treat the process and the parties involved with respect.
- Everyone involved with a complaint will treat pupils and adults as having equal rights. Arrangements such as a buddy scheme or an adult to represent or advise the pupil (an advocate) may be needed to help a pupil making a complaint.
- The details of the complaint will remain confidential to those investigating.
- A general principle is that an accused person is entitled to know the substance of the accusation except in exceptional cases where the governing body may decide to withhold information, e.g. where there is a need to protect the source (or there is a legal reason why the information should not be released) or to meet data protection requirements.
- All people involved with the complaint will be kept informed throughout the process and there will be a clear timetable for the investigation of the complaint. If a complaint is made just before the beginning of a school holiday, other than a half term holiday, the school will try to resolve the matter before the school closes but this may not be possible.
- All complaints will be recorded including those where people who complain haven't given their names and where the complaints have later been withdrawn.
- A report summarising key trends and issues relating to complaints will be presented by the Headteacher to the Governing Body annually.

## Investigating Complaints

- What has happened will be established, who was involved, and any witnesses will be questioned if relevant.
- The nature of the complaint will be clarified.
- A meeting with the complainant or appropriate contact will be arranged if further information is necessary.
- What the complainant feels would put things right will need to be clarified.
- Those involved/those complained about will be talked to, allowing them to be accompanied if they wish.
- Matters will be approached with an open mind.
- Accurate records will be kept.

Complaints will be resolved using a three stage procedure.

### Stage 1

- The complaint must be made in writing, and may be made to a member of staff, or Headteacher.
- Every effort will be made to sort out the complaint at this stage and to maintain confidentiality where possible.
- The complainant should be given the opportunity to meet the member of staff with whom they raised the issue.

A decision will be reached within 10 school days if possible and the person who is making the complaint will be told the result.

If the complainant is not satisfied, they must be informed that they can take their complaint to the Headteacher.

Guidance and support will be made available to a pupil who is making a complaint e.g. associate pupil governors or members of the school council, peer mentoring, anti bullying support, suitable adults to help take the complaint forward and parental support ( but only if the pupil agrees to their parents being involved.)

If the Headteacher was the first person to receive the complaint, he/she can decide whether to delegate to another member of staff under Stage 1 or whether to proceed to Stage 2.

### **The following details will be recorded:**

- The name of the complainant
- The date of receipt of the complaint.
- A brief description of the complaint.
- Action taken to resolve the complaint and the outcome.
- Any issues for action by the school.

## **Stage 2 – Consideration by the Headteacher**

- The complaint should be put in writing to make it clear what the complaint is about. (N.B. arrangements need to be put in place to help those who cannot write or who have another main language). Pupils making complaints can receive help in writing their ideas down formally if they require this
- The Head will acknowledge in writing that the complaint has been received, and enclose a copy of the complaints procedure and provide a date for a response (usually within 10 school days).

The complainant will be given the opportunity to meet the Head. The complainant can be accompanied by a friend or relative if they wish. Interpretation facilities or assistance if there is a disability issue should be provided if necessary. The Head may wish to have a witness present.

Record keeping will include the following:

- The name of the complainant.
- The date of receipt of the complaint.
- A brief description of the complaint.
- Action taken to solve the complaint and the outcome.
- Any issues for action by the school.
- A written record of discussions, interviews, and evidence collated.
- The date the complainant was informed of the outcome.

The complainant may make their complaint to the Governing Body if they are not satisfied with the outcome.

## **Stage 3 – Consideration by the Governing Body Complaints Committee**

Complaints considered by the Governing Body should be rare and governors must check that stages one and two have been exhausted before considering the matter. The complaint will be heard by the complaints committee.

### **Complaints Committee**

- The Chair of Governors should ask the Clerk to Governors to acknowledge the complaint usually within 5 school days. The letter of acknowledgement should set out a timetable and make clear:
  - all parties involved are able to provide evidence/written documentation;
  - the date by which this written evidence should be given in;
  - the date by which documents will be sent to the person complained about;
  - the date by which the person complained about must forward their reply;
  - the date that the reply will be made available to the complainant;
  - the date of the hearing (if available at this point).
- The complaints committee will meet to hear the complaint, usually within 15 school days of receipt of the complaint. The meeting will be arranged at a time when everyone is able to attend.

The person against whom a complaint is made will be given enough time (usually 10 school days) to consider all the evidence and take advice before providing a reply and before any hearing takes place.

Everyone concerned will be told, in writing, at least 5 days before the date of the hearing:

- the time and place of the hearing;
- the reason for the complaint with copies of all relevant documentation;
- the right of all parties to be accompanied;
- details of those who will be present and their role in the hearing;
- the complaints committee's right to hear the complaint in the absence of one or both parties if there is good reason;
- that those involved in the complaint can ask for a change of date if there is a good reason why they are unable to attend.

## **The Hearing**

The purpose of the hearing is to look at the facts and find out if the complaint should be supported.

## **Proceedings**

- The hearing will be conducted in an informal manner with each party treating the other with courtesy and respect.
- Each party will have the opportunity to put their case without undue interruption.
- There will be no cross examination and the hearing should not become confrontational.
- Witnesses should only be required to give their evidence and only stay after this if both parties agree.
- The committee can ask questions of any person.
- After introductions the complainant or their representative will be invited by the chair to explain their complaint and be followed by any witnesses.
- The complainant will then sum up their complaint.
- The Headteacher or other witness will then explain the school's actions followed by any witnesses for the school.
- The Headteacher will then sum up.
- Both parties leave while the committee discusses and decides. The committee can take advice from the LA/Diocesan authority or other relevant body. Advisers leave once advice has been given.
- The chair of the committee will inform both parties of the result of the hearing, usually within 5 school days. The decision letter should make clear that the complaint has been thoroughly investigated and will not be re-opened. If new issues arise these will be treated as a new complaint but only if they are demonstrably different from matters raised under the previous complaint.

## **Appeals Committee**

- The complainant will be given the right to appeal if they remain dissatisfied and informed of the date by which they should lodge an appeal – usually 15 school days after the day on which the notice in writing was given of the committee's decision.
- Complainant's letter of appeal should set out the grounds of the appeal.
- The appeal will be heard by governors who are on the appeals committee and have not been involved in the original hearing.
- All relevant documentation will be given to all parties, usually 5 school days before the hearing. This will include the decision of the complaints committee, the notice and reason for the appeal, any written representation from any party, the documentation presented to the complaints committee.
- All relevant documentation will be given to all parties usually 5 school days before the hearing. This will include:
  - the decision of the complaints committee;
  - notice of appeal, and the reasons why they wish to appeal;
  - any written representation from any party;
  - documentation presented to the complaints committee.

## **Finalization of a Complaint**

Complainants should be informed:

- that the complaint has been thoroughly investigated;
- the decision is final;
- if new issues arise they will be treated as a new complaint as long as they are clearly different from matters raised under a previous complaint.

## **Record**

At Stage 3 the record will include the following:

- A full record of the proceedings of the complaints committee and appeal committee.
- Evidence and other relevant documentation.
- The decision reached and any action to be taken by the school, head, governing body or staff.
- The date of the decision with a copy of the decision letter sent to the complainant.

There will be occasions when the three stage approach will need to be adapted:

## **Complaint against the Headteacher**

This will be referred to the Chair of Governors who will decide whether to delegate investigation to the vice chair or to a designated governor. Whoever investigates the complaint will not be a member of any committee hearing the complaint.

The procedure to be followed is as described at stage two (with the Governor taking the role of the Head).

Following this process, if the complainant is still not happy he/she will be advised to write to the chair or vice chair of governors (whoever has not investigated the complaint) who will forward the complaint for consideration by the complaints committee (stage three).

### **Complaint against the Chair of Governors**

Any complaints about the Chair of Governors should be sent to the Vice Chair who will immediately inform the Head and the LA/Diocesan authority.

The Vice Chair may consider investigating the complaint or delegating this to another designated governor. This will follow Stage 2 of the procedures. Alternatively the Vice Chair could refer the matter directly to the complaints committee (Stage 3).

### **Complaint against the Headteacher and the Chair of Governors**

This complaint should be sent to the Vice Chair of Governors who should inform the LA/Diocesan authority.

The Vice Chair may investigate or delegate this task to another designated governor under Stage 2 of the procedures. Alternatively the matter could be referred directly to the complaints committee – under Stage 3.

### **Complaint against the Chair and Vice Chair**

This complaint should be sent to the Clerk to Governors who will refer it to the chair of the complaints committee. The committee chair will refer to the LA/Diocesan authority for advice and arrange for the complaints committee to consider the complaint (stage 3).

### **Complaint against a Governor (including the Vice Chair) or Group of Governors**

This complaint should be referred to the Chair of Governors (provided the chair is not one of the group being complained about) and it should be dealt with in the same way as a complaint against the headteacher. If the chair is part of the group being complained about, the complaint should be sent to the Vice Chair. If both the Chair and Vice Chair are part of the group of governors being complained about, the complaint should be referred to the clerk to the governors who should refer the matter to the chair of the complaints committee, only to be included if there is an appeal committee. If the committee chair is the chair or vice chair of governors, the chair of the appeals committee should become chair of the complaints committee and the complaints appeal committee would need to have a different chair.

If the matter proceeds to consideration by the governing body at Stage 3 and if too few governors remain to fulfil the requirements of the complaints procedures in terms of constituting a complaints committee, then the procedures for the whole governing body should be used.

### **Complaint concerning the whole Governing Body**

Any complaints about the actions of the whole Governing Body should be sent to the Clerk to Governors, who should immediately inform the Head, Chair of Governors and the LA/Diocesan authority.

On receipt of a complaint about the actions of a governing body, the LA should consider whether the matter is one to be considered in accordance with Section 15 of the School Standards and Framework Act 1998 as amended by Section 55 of the Education Act 2002. This provides that where a school is causing concern the LA can issue a warning notice to the Governing Body in accordance with its powers of intervention.

If no action is appropriate under these provisions the LA/Diocesan authority, may wish to secure the agreement of the Governing Body that the complaint be heard by a committee independent of the Governing Body and specially constituted for that purpose.

If the LA/Diocesan authority decides not to pursue any action, the clerk to the governing body may inform the complainant that the matter will be raised at the next governing body meeting. If the next planned Governing Body meeting is some time away, the Chair of Governors and the clerk may consider arranging a separate meeting to consider the complaint. The complainant may be informed of the proposed action and timing of the governing body meeting. The complainant may be afforded the same opportunity to give written and oral evidence as he or she would have been given if the matter were being dealt with by the governing body complaints committee. This will mean following similar administrative procedures to those followed when there is a complaint made under Stage 3 except that the whole governor body is involved in hearing the complaint not the complaints committee.

The Governing Body may look at the evidence and arrive at a decision in the same way that its complaints committee would. The clerk to the governing body will send the complainant:

- the decision and an explanation of the reasons for the decision;
- an explanation that if the complainant is dissatisfied, the LA/Diocese or Welsh Assembly Government can be asked to review the procedure used by the governing body but not the decision itself.

### **Role of the Local Education Authority/Diocesan Authority**

LA's and Diocesan authorities do not have a statutory role in resolving complaints about schools – the statutory responsibility rests with the Governing Body. However, the Governing Body can ask the LA/Diocesan Authority for assistance to investigate a complaint, for advice on handling the complaint or advice on the response.