



Complaints policy

October 2017

To be reviewed by the full GB in July 2018

John Ball Primary School's Policy for resolving concerns and complaints

John Ball Primary School values open communication where school leaders and staff are easily available to discuss areas of concern. It is our aim that most concerns can be resolved through open dialogue and working towards a position of mutual understanding. This policy also includes a description of the process for dealing with more serious concerns and complaints should issues not be resolved through discussion.

Definition of a Complaint

A complaint is a clear written or oral expression of dissatisfaction with the service that a school provides.

1 INFORMAL STAGE: Dealing with concerns

1.1

Problems are always best resolved informally and speedily. If something happens that does not seem to be in keeping with your expectation of John Ball Primary School you can discuss this with your child's teacher or with a school leader (this will be the Acting Head teacher, Acting Deputy Head teacher or Phase Leaders) by making an appointment via the school office.

1.2 We always encourage all parties to suggest what they see as a realistic resolution to the concern.

2 Dealing with Complaints

If initial attempts to resolve the concern are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further as a complaint then the following procedure can be followed.

2.1 Informing school leader of the complaint

An appointment should be made to discuss the complaint with a senior leader (this will be the Acting Head teacher, Acting Deputy Head teacher or Phase Leaders) who will establish what has happened so far, and who has been involved. She/ he will clarify the nature of the complaint and what remains unresolved.

2.2 Investigating the complaint

The school leader dealing with the complaint will speak to those involved to ensure that he/ she has a full and unbiased picture of the matter. If the complaint is found to be valid he/ she will clarify what the complainant feels would put things right. Full notes will be kept of all discussions.

2.3 Resolving the complaint

Once the school leader has looked into the complaint he / she will seek to resolve the matter as appropriate. This might be:

- an acknowledgement that the complaint is valid in whole or in part
- 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 reoccur
- 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.

Resolution will also include trying to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

Where a complaint is made about the Acting Head teacher or Substantive Head teacher the Chair of Governors or a governor nominated by the Chair, will investigate the complaint.

If the complainant is not satisfied with the resolution of the complaint or if the complaint cannot be dealt with by the procedure above then the following Formal Complaint Procedure can be followed.

If a complaint is about a member of staff and the school leader investigates and finds there are no grounds for the complaint then this should not become a complaint about the school leader. The complaint remains as originally described and can then be taken to the formal stage.

2.4 Vexatious Complaints

The aim of our policy is to limit the number of complaints that become protracted. However, there may be occasions when, despite all stages of the procedure being followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB will inform them in writing that the procedure has been exhausted and that the matter is now closed. It should be noted

that the complaints procedure is not to be used in a frivolous, vexatious or unreasonable manner. Such use is considered to be an abuse of process and the complaints procedure is an inappropriate mechanism to deal with it. A letter from the Chair of Governors/Headteacher will be sent to the complainant in this regard.

3 Formal Complaint – First stage

- 3.1 The Chair of Governors or a governor nominated by the Chair will investigate a formal complaint. The Chair or nominated governor will carry out an investigation to review the way in which the school handled the complaint and ensure that the issues have been dealt with properly and fairly.
- 3.2 The person making the complaint will have the opportunity to submit written evidence on the complaint. The investigating governor will normally write to the person raising the complaint with the outcome of this process within 15 working days of receiving the complaint.
- 3.3 If it becomes apparent that the complaint about a member of staff leads to a disciplinary or capability issue, than the matter will be dealt with under the schools' disciplinary or capability procedure rather than the complaints procedure. The complainant will be notified if this is the case but will not be entitled to know which procedure or the final outcome.

4 Formal complaint second stage (see Appendix 1)

- 4.1 If at the end of the first stage of the formal complaint the complaint has not been resolved to the satisfaction of the complainant he / she may take the matter a stage further. This must be done in writing to the school within 15 working days of receipt of the letter from the investigating governor.
- 4.2 A panel of three governors will meet to consider the complaint and make a final decision about it on behalf of the governing body. The panel will consist of governors who have no detailed prior knowledge of the complaint, or connection with the complainant. The meeting will normally take place within 15 working days.
- 4.3 The complainant will have the opportunity to submit written evidence on the complaint prior to the meeting of the panel and also to attend and be accompanied by a friend/partner to put his /her case. The school leaders will be given the same opportunities.
- 4.4 The panel will write to the complainant with its conclusion within ten working days of the meeting.
- 4.5 The decision of the panel is final.
- 4.6 A complainant who is not satisfied with the way the governors have dealt with this matter may wish to put the complaint to the Secretary of State for Children, Schools and Families.

6. Allegations about members of staff

If an allegation of a child protection nature is made against a member of staff then the school will follow the procedures outlined in its Safeguarding Policy and refer the case to the Local Authority Designated Officer for guidance and advice.

7. Whistleblowing

Advice for staff and parents about whistleblowing can be found in the school's Safeguarding Policy.

8. Monitoring and Review

The governing body monitors the complaints procedure, in order to ensure that all complaints are handled properly. All formal complaints received by the school are logged and each resolution recorded. Governors receive a termly report on any complaints made through the formal procedures and keep this policy, and all school policies under review. If necessary changes to our complaints procedure will follow the review.

This policy will be reviewed annually by the Coordinating and finance committee in line with any changes to statutory policy made by the DfE.

Appendix 1

Guidance for the Complaints Appeal Panel

There are several points which any governor sitting on a complaints panel needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised 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.

c. 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.

d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The governors sitting on the panel need to be aware of the complaints procedure. Roles and Responsibilities

The role of the Clerk

Any panel or group of governors considering complaints be clerked. The clerk would be the contact point person 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 (recommended 10 at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision. As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged. It is not unknown for

complainants to raise additional complaints because they do not agree with the record of the meeting.

The role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel. The role of the Chair of the Panel

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

- the remit of the panel is explained to the parties and each party has the opportunity of presenting their case without undue interruption;
- the issues are addressed;
- key findings of facts 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.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- 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.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

Appendix 2

