

West Oxford Community Primary School



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Complaints Policy

Date of last review: June 2016

Next review due: 2018

West Oxford Community Primary School Complaints Policy

Purpose: All schools have a duty to have a complaints procedure and to publicise it to parents and pupils [section 29 (1a) of the Education Act 2002].

This procedure for West Oxford Community Primary School took information from Oxfordshire Best Practice Complaints Guide

<https://www.gov.uk/government/publications/school-complaints-procedures>

It is approved by the Headteacher and Chair of Governors in consultation with governors, including parent governors, and staff (governor).

Scope: All matters relating to the actions of the staff and application of school procedures where they affect the individual pupils concerned, except matters (i.e. relating to curriculum, admissions, SEN, Child Protection) which are subject to separate procedures

General Principles:

An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances

To allow for a proper investigation, complaints should be brought to the school as soon as possible. Any matter brought to the attention of the school more than 3 months after the event will not be considered.

Investigation of any complaint or review request will begin within 5 days of receipt, except in exceptional circumstances, The investigation will be completed as soon as reasonably practicable.

1 Introduction

1.1 Our school aims to be fair, open, impartial, and honest when dealing with any complaint. We give careful consideration to all complaints, and deal with them as swiftly as possible. We try to resolve any complaint through dialogue and mutual understanding. In all cases we put the interests of the child above all else. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved. In our experience most matters of concern can be resolved positively in this way.

1.2 We strive to provide a good education for all our children. The head teacher and staff work very hard to ensure that each child is happy at school and is making good progress; they want to know if there is a problem, so that they can take action before it seriously affects the child's progress. Staff strive to build positive relationships with all parents, allowing swift and informal resolutions of most concerns. This policy sets out the school's informal and formal procedures for dealing with complaints by parents, guardians and the wider school community.

- 1.3 Wherever possible, people's desire for confidentiality will be respected. However, some information may have to be shared in order to carry out a thorough investigation.
- 1.4 Most complaints will have been brought by a parent. Less often, a pupil might be the complainant. If they are, then the same process will be followed but with special consideration being given to ensuring that the child is supported and does not feel intimidated and that their views are given consideration equal to those of adults.
- 1.5 The complaints policy deals with complaints concerning the work of the school. A complaint to the governors' complaints panel will never be against a junior member of staff (although it may be against the way the head teacher handled a complaint against a junior member of staff). It does not deal with neighbourly disputes or complaints against a governor. Complaints against a governor should be taken to a member of the governing body.

2 The complaints process (see Appendix 1: The complaints process at a glance)

- 2.1 Our procedure is designed to be non-adversarial, to address all points in issue, and to provide an effective response and appropriate redress where necessary. The procedures that the school follows are detailed below.
- 2.2. If any parents have any concerns relating to the school, we encourage them to talk to the child's class teacher immediately. Everyone at the school is keen to help in any way they can - so please don't hesitate to approach them with any questions or worries.
- 2.3 Where parents feel that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the head teacher. The head teacher considers any such complaint very seriously, and investigates each case thoroughly. Most complaints are normally resolved by this stage. If a complaint remains unresolved, a formal complaint can be made as outlined in 2.5 onwards.
- 2.4 Should any parents have a complaint about the head teacher, they should first make an informal approach to one of the members of the governing body (whose contact details can be obtained from the school office), who will make sure it is investigated. The governor in question will do all s/he can to make sure the issue is resolved through a dialogue with the school, but if parents are unhappy with the outcome, they can make a formal complaint, as outlined below.
- 2.5 Only if an informal complaint fails to resolve the matter should a formal complaint be made to the governing body. This complaint must be made in writing by filling in the complaint form given in Annex 1 below, stating the nature of the complaint, and how the school has handled it so far. The complainant should write to the Chair of Governors or to the Clerk to the Governing Body at the school address. The envelope should be marked 'FOR IMMEDIATE ACTION' and staff in the school office must ensure that the letter is forwarded without delay.

2.6 At each stage in the procedure, we aim to keep in mind the different ways in which a concern or complaint can be resolved. Resolution may be in the form of an acknowledgement that the concern or complaint is wholly or partly valid. It may be appropriate to offer one or more of:

- 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.

2.7 **Within 5 working days of receiving the complaint form** (where a working day means a day on which the school is fully open) the chair of governors (or other member of the governing body) will, if further information is necessary, contact the complainant to:

- clarify the nature of the complaint and what remains unresolved;
- clarify what the complainant feels would put things right.

The clerk to the governing body will inform governors that a complaint has been received. **No further information about the complaint will be shared with governors not involved in the complaints procedure.**

2.8 **Within 5 working days of receiving the fully completed form** the chair of governors will decide whether mediation should be offered to help you and the head teacher explore possible resolution. Mediation can only proceed if the complainant and the head teacher are willing for it to be tried. If so, the chair of governors will put you in touch with the mediator, who is likely to be a member of the governing body. If mediation is not successful, the complaint will be considered by the governors' complaints panel.

2.9. Mediation

Mediation can be a good way to resolve a complaint because:

- It gives both the complainant and head teacher another opportunity to hear each other's points of view (with a third party facilitating).
- It gives the third party an opportunity to help the head teacher and complainant identify and build on areas of agreement.
- It gives the head teacher and complainant a structure within which they can resolve remaining differences.
- If both the complainant and head teacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a governors' panel, the issues to be considered are likely to be much clearer following the mediation.

2.10 If mediation is not deemed appropriate or if it is not successful, the chair of governors or clerk will confirm that you wish to take your complaint to the complaints panel. They will set up a panel of governors to meet **within 15 working days** to consider your complaint. The clerk will provide details of the hearing and

will request any further information you may wish to provide. You will be able to bring a 'friend' with you to that hearing.

3. Establishing a panel

- 3.1 Each year the Governing Body agrees the composition of a complaints panel at its first meeting of the year, identifying four or five possible governors from whom a panel of three can be drawn.
- 3.2 The decision about the membership of a particular panel will be made by the chair of the governors depending on factors such as availability and whether any governors have prior knowledge of the matter. If the chair of governors is not able to find three governors who have no prior knowledge of the case e.g. if a case has become a major talking point around the community, the chair can nominate three other governors with minimal prior knowledge. If there are still insufficient governors able to sit on a panel, the governors, after consultation with the Local Authority Governor Services Department, will put in place an alternative fair process.
- 3.3 The clerk is responsible for obtaining papers setting out the case from both sides, with any supporting evidence. These should be copied and sent to panel members, parent(s) and head teacher **five working days** before the hearing. This ensures that everyone has ample time to read and understand the papers.
- 3.4 The complaints panel will consist of three governors who (as far as possible) will have no prior knowledge of the events being complained of. The panel will be supported by a clerk who will take notes during the hearing and will stay with the panel while they make their decision in case governors need to be reminded about responses to a particular question. The panel will hear the complaint impartially and make their decision without fear or favour. Annex 2 gives details of the panel's procedure.

4 Can I take my complaint further?

You **cannot** take your complaint to the local authority. The local authority cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with your complaint.

However, if you feel that the school has acted unreasonably or not followed the correct procedures, you can write to the Secretary of State for Education
<http://www.education.gov.uk/help/contactus/dfc>

5 Monitoring and review

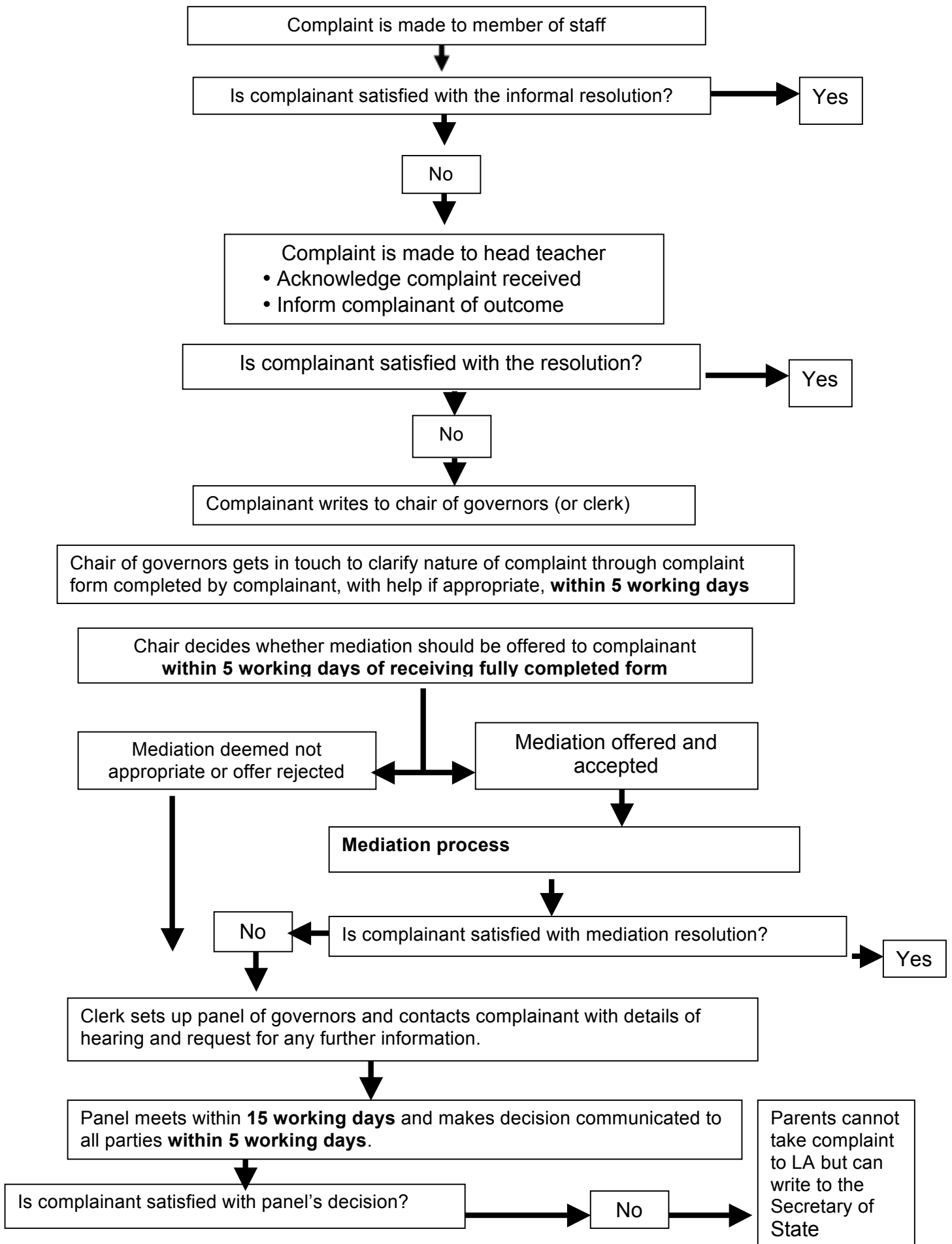
- 5.1 The governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. The head teacher logs all complaints received by the school, and records how they were resolved in a folder. Governors examine this log on an annual basis. As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to school improvements. When individual complaints are heard, the school may identify issues that need to be addressed. The monitoring and review of complaints by the school and Governing Body can be useful to evaluating the school's performance.

Any discussion of complaints by the Governing Body or others in the school community will not name or identify individuals.

5.2 Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process.

5.3 This policy is reviewed every two years, or before if necessary.

Appendix 1: The complaints process at a glance



. Annex 1 Complaint form

The form below can be used by anyone making a complaint about the operation of the school which is not covered anywhere else. Complaints will most often come from parents or carers but may also come from pupils/students or members of the public, e.g. school neighbours.

Anyone receiving this form should be advised verbally that help in completing it is available from the school (help will normally be provided by school staff familiar with the complaints process, the chair of governors or the clerk to the governing body).

If it is appropriate for a member of staff to look into this complaint, it should be returned to the head teacher.

If it is appropriate that it should be dealt with by the governing body, it should be returned to the clerk to the governors at the school.

Please return the completed form in an envelope marked 'FOR IMMEDIATE ACTION' to the School Office who will acknowledge receipt and explain what action will be taken.

Your name:

Address:

.....

.....

Postcode:

Daytime telephone number:

Evening telephone number:

If applicable, name of child(ren) at school:

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?)

Your relationship to the school, e.g. parent, carer, neighbour, member of public:

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official Use:

Date of acknowledgement sent:

By Whom:

Complaint referred to:

Date:

Annex 2

The panel hearing procedures:

- Complainant and head teacher will enter the room where the hearing is taking place together.
- The chair will introduce the panel members and the clerk, and outline the process.
- The complainant is invited to explain the complaint.
- The head teacher may question the complainant.
- The panel will question the complainant.
- The head teacher is then invited to explain the school's actions.
- The complainant may question the head teacher.
- The panel will question the head teacher.
- The complainant is then invited to sum up their complaint.
- The head teacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within five working days.
- The chair checks that both parties have said all they wanted to say and that they feel they have had a fair hearing. If either party says 'no' the chair should attempt to rectify that before the hearing ends.
- Both parties leave together while the panel decides on the issues.
- The clerk will remain with the panel to clarify the decision.

The decision letter

The clerk will ensure that s/he has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The clerk will use that wording to draft the decision letter. This will be sent to all members of the panel for checking. Once approved by all three panel members, it will be sent to the complainant with a copy to the head teacher.

The letter will clearly express how seriously the panel considered the complaint.

The clerk will ensure that the letter reaches the complainant and the head teacher by the deadline stated in the complaints policy and/or in a statement by the chair at the end of the hearing – **usually five working days**.

You might want to note that:

- The panel may ask questions at any point if that would help to clarify a point. However, panel member discipline in following the format listed above will set a good example to the other parties about respecting the structure of the process. Panel members must find ways to ask probing questions while maintaining an air of impartiality.
- The head teacher must have no contact with members of the governors' complaints panel except when the complainant is present to preserve the principle of

neutrality. This means that head teacher and complainant enter and leave the room where the hearing is held together.

- The chair of the panel will discourage the introduction of fresh documentary evidence at the hearing – there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.
- The complainant and/or the head teacher may wish to call witnesses. The use of witnesses is discouraged. In nearly every case, a complaints panel will want to work with written witness statements if appropriate, but there may be particular cases where the presence of witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. They will remain outside the hearing room until called in to give their evidence. They can be questioned by the panel members and the other party. They will leave the room when their evidence is completed.

Governors sitting on a complaints panel will be mindful of the following:

- The appeal hearing is independent and impartial and must be seen to be so. No governor will be allowed to sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant
- The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone with care having been taken to ensure the setting is not intimidating and not adversarial
- Governors sitting on the panel will be aware of the complaints procedure and any other procedures relating to the complaint e.g. Anti-bullying policy.

The chair of the panel will be the chair of governors, or a governor nominated by the chair of governors. S/he is responsible for ensuring that both complainant and head teacher are given a fair hearing and that the panel arrives at its decision properly.

The complaints panel can reach the following decisions:

- dismiss the complaint in whole or in part (there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld or the concern is not substantiated by the evidence);
- uphold the complaint 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 problems of a similar nature do not recur.

The complaints panel may also:

- consider and, if appropriate, criticise the way in which an operational decision was communicated – **but cannot overturn the decision itself**
- consider the thoroughness with which the head teacher investigated a complaint about a member of staff – **but cannot expect the head teacher to provide details about confidential discussions with that staff member**
- consider the manner in which a complaint about any decision was addressed – **but cannot expect the head teacher to have changed the decision**

- consider and, if appropriate, identify limitations in a policy or procedures – **but cannot make or improve policy**. (It can, however, recommend that the policy be reviewed by the governing body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy)
- consider whether it should recommend that the governing body offer appropriate redress.

What does the school expect of any person wishing to raise a concern?

The school expects anyone who wishes to raise concerns with the school to:

- respect the needs of pupils and staff within the school;
- treat all members of the school community with courtesy and respect;
- avoid the use of violence, or threats of violence, towards people or property;
- avoid any aggression or verbal abuse;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take time;
- follow the school's complaints procedure (and for staff members to follow the appropriate internal staff procedure).

What is unreasonable behaviour?

We regard unreasonable behaviour as including the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress, rather than to seek a resolution. Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issue is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has an unjustifiably significant and disproportionate adverse effect on the school community.