

# Kibworth CE Primary School Complaints Procedure



**Kibworth CE**  
Primary School

A place of discovery and friendship

## Part 1: General Principles of complaints

### Dealing with Complaints – Informal procedures

As a school we wish to reassure all parties involved that all concerns will be taken seriously and acted upon within a time frame agreed. However if issues are not resolved it may be that parents may wish to register a formal complaint with the Governing Body.

As a school we would expect that initial concerns would be shared with the person involved at the earliest opportunity. The person should then listen to the concerns and attempt to address those issues identifying common areas of agreement and dates for review. The member of staff involved will also share the concerns and issues with the Headteacher as well as the outcomes of any meetings. The Headteacher may become involved in this process at any time to ensure the concerns are resolved quickly and professionally. How to deal with complaints and concerns is mentioned in the school's staff handbook and shared with staff annually.

The majority of concerns should be dealt with through the discussions with the class teacher and Headteacher, without the need for formal procedures. The requirement to have a complaints procedure will not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. All involved with the school are likely to be able to resolve issues on the spot, including apologising where necessary.

### Dealing with Complaints – Formal procedures

Parents may wish to invoke formal procedures when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The Headteacher of the school is the school Complaints Co-ordinator. It is their responsibility to ensure that parents understand the formal procedure and can access all the information and forms needed to complete this process.

### Framework of Principles

The staff and governors of Kibworth C of E Primary School aim to:

- encourage resolution of problems by **informal** means wherever possible;
- the formal procedure to be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;

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

### **Investigating Complaints**

The person investigating the complaint (the complaints co-ordinator), makes sure that they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

### **Resolving Complaints**

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

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

In order to resolve complaints quickly the school would find it useful if complainants stated what actions they feel might resolve the problem at any stage. It is also important to highlight that an admission that the school could have handled the situation better is not the same as an admission of negligence.

In order for the complaint to be effective the complaints co-ordinator will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### **Serial and Persistent Complaints**

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

## Time-Limits

It is vital that all complaints need to be considered, and resolved, as quickly and efficiently as possible. The schools complaints procedure will have realistic time limits for each action within each stage. It is the schools aim to resolve where possible all complaints within seven days. However, where further investigations are necessary, new time limits will be set and the complainant sent details of the new deadline and an explanation for the delay.

## Part 2: The Formal Complaints Procedure

### The Stages of Complaints

The school complaints procedure has clearly defined stages. A flow chart of suggested stages can be found in Annex C. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher after a meeting with the complainant.

Summary of the three main school-based stages for a formal complaint:

<b>Stage one:</b>	Complaint discussed with the Headteacher using appropriate forms. If the Headteacher is the subject of the complaints then the Vice Chair of governors will take this place. This should happen within seven days of the school receiving the formal complaint.
<b>Stage two:</b>	Complaint reviewed by a panel of three people including two governors of the school and a person independent of the management and running of the school. A course of action should then be agreed by all parties with time frameworks and review meetings.
<b>Stage three:</b>	If a resolution has still not been found then the complaint will be heard by the DSAT Governing Body Complaints Appeal Panel. This consists of a Chair of governors, a foundation governor or parent governor and a person independent of the management and running of the school. The governors must have no previous knowledge of the complaint. The panel will choose their own chair. A meeting will be organised with persons involved and a course of action suggested.

At any point a complainant is dissatisfied with the way in which their complaint has been handled, rather than the decision that has been reached, they can contact the Department for Education at [www.education.gov.uk](http://www.education.gov.uk)

## **Part 3 – Managing and Recording Complaints**

### **Recording Complaints**

It is essential that the complaints coordinator records the progress of the complaint and the final outcome (see annex F). A complaint or concern may be made in person, by telephone, or in writing. However a formal complaint should be made using the formal complaints form. At the end of a meeting or telephone call, staff needs to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

The Headteacher is responsible for the records and hold them centrally.

### **Governing Body Review**

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. This will take the form of a regular item within the Headteacher's report to the governors. Preferably, complaints information shared with the whole Governing Body will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance. The school will also survey the parents' annually on particular issues and share these findings.

### **Publicising the Procedure**

There is a legal requirement for the Complaints Procedures to be publicised. In order to fulfil this requirement but details of the Complaints Procedures will be included in:

- the information given to new parents when their children join the school;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;
- the school website



Section 29 of the Education Act 2002 requires that:

- (1) The Governing Body of a maintained school shall –
  - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
  - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the Governing Body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;



#### **Kibworth CE (A) Primary School Formal Complaints Procedure**

##### **Stage One: Complaint Heard by Headteacher.**

In order for the complaints procedure to work swiftly and effectively a formal complaint must be written using the "Formal Complaints Form." Upon receiving the form the Headteacher will send a letter of acknowledgement and a date suggested for a meeting to discuss issues within seven working days of receiving the formal complaint.

The school will attempt to ensure that the views of a complainant who indicates that he/she would have difficulty discussing a complaint with the Headteacher. In these cases, the formal complaint will be referred straight to stage two of the procedure.

Similarly, if the Headteacher feels too compromised to deal with a complaint, they may consider referring the complainant to Stage two. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the Headteacher and advise them about the procedure. It is important that governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

During the initial meeting the Headteacher will ask the school secretary or another member of staff to attend to take minutes of meeting. The complainant may also have another adult present for support or administrative purposes.

##### **Stage Two: Complaint Heard by Governing Bodies Complaints Panel**

At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Headteacher will share all details of progress and records of previous meetings with the panel. The Vice Chair will then write a letter to the complainant acknowledging the receipt of the complaint and arrange a meeting within seven working days. The panel will then review the information presented and identify a resolution and a review date. This panel will then make a final recommendation to the complainant.

##### **Stage Three: Complaint heard by the DSAT Governing Body Complaints Appeal Panel**

The complainant needs to write to the chair of governors within 10 school days of the date of the letter notifying them of the outcome of Stage 2, notifying that they wish their complaint to be heard by the complaints appeal panel. The chair, or a nominated governor, will convene a governing body complaints appeal panel. The governors' appeal panel hearing is the last school based stage of the complaints process and is not convened to merely rubber stamp previous decisions. Individual complaints will not be heard by the whole governing body at any stage as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.



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The governing body will nominate 2 governors to have delegated powers to hear the complaint at this stage. These governors must have no previous knowledge of the complaint. The panel will also include a person independent of the management and running of the school. The panel will choose their own chair. The remit of the Complaints Appeal Panel is to:

- dismiss the complaint in whole or in part;
- 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 that problems of a similar nature do not recur.

The complainant will be notified in writing of the panel's decision, usually within 5 days. The letter will confirm the end of the school's and governing body's involvement with the complaint and explain any further rights of appeal.

The Governing Body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

### **The Remit of The Complaints Appeal Panel**

The panel can:

- dismiss the complaint in whole or in part;
- 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 that problems of a similar nature do not recur.

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 a 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 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.



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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**

The clerk would be the contact point 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;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

#### **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 appropriate, 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 putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the



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- 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.

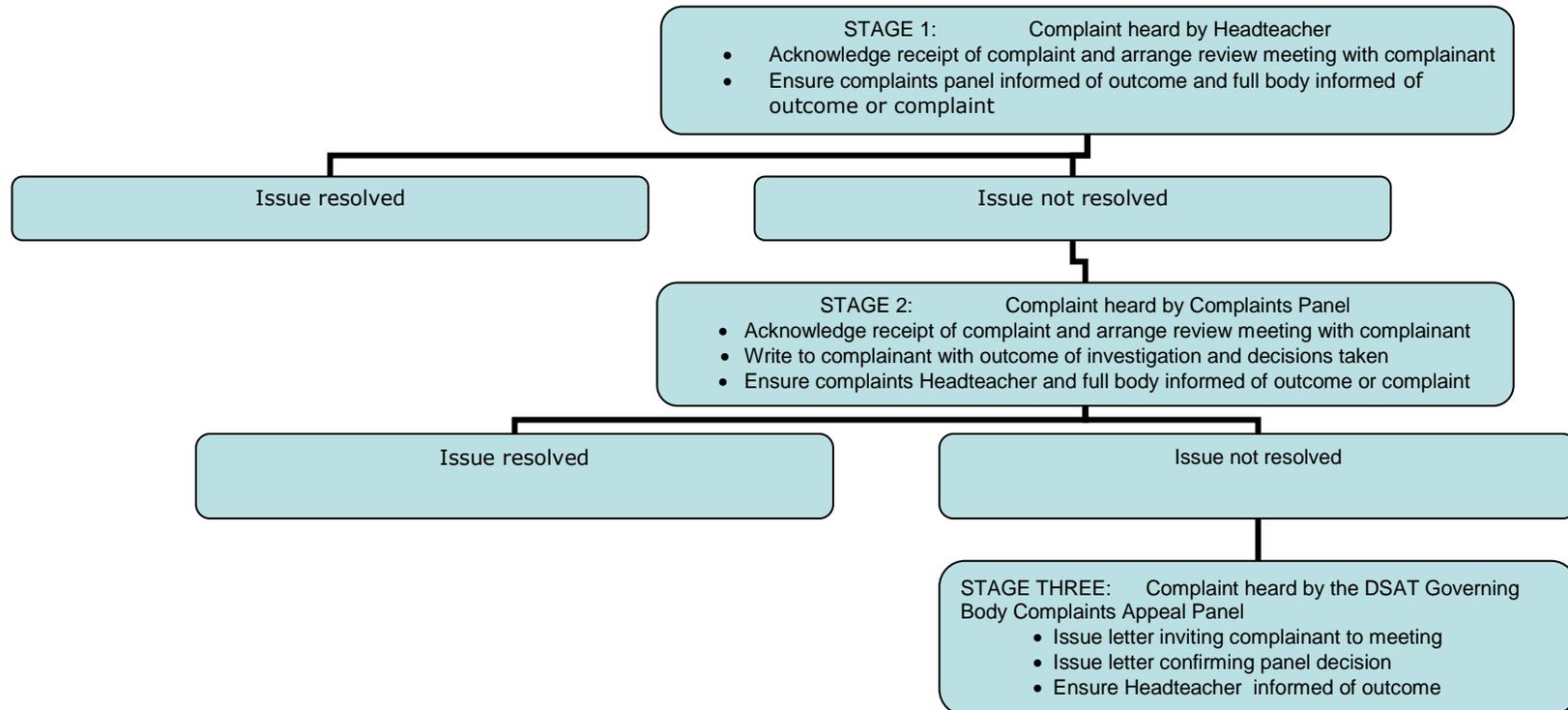
### **Notification of the Panel's Decision**

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within seven working days of the meeting. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

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### Flowchart

#### Summary of Dealing with Formal Complaints





# **Formal Complaint Form**

**Please complete and return to Mr David Briggs Headteacher who will acknowledge receipt and arrange a meeting to discuss issues highlighted within seven working days.**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint.**

**What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?**



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**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 acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**



## School Complaints Procedure

Check List for Appeal Panel to be signed by chair of panel before meeting to review complaint.

### Annex E

A meeting with complainant has been organised within seven days of official request	
All members of the panel have read and understood the school complaints procedure	
No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.	
In deciding the make-up of the panel, governors 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.	
The panel chair will ensure that the proceedings are as welcoming as possible	
All previous paper work have been reviewed and read by all panel	

**Signed:**

**Chair of Appeals Panel    Date:**

## 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.

