



PRESTWICH ARTS COLLEGE

COMPLAINTS PROCEDURE

OVERVIEW

1. From 1st September 2003 Governing bodies (GBs) of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.
2. The majority of schools already have a complaints procedure in place, generally based on Local Education Authority (LEA) or Diocesan Board models. This document is intended to help schools draw up a complaints procedure if they have not already done so, or to review their existing procedure if they wish. A framework of principles can be found at paragraph 8. LEA's are already required to set up a procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school. The GB's complaints procedure does not replace the arrangements made for those types of complaint. In addition, there are certain complaints which fall outside the remit of the GB's complaints procedure, for example, staff grievances or disciplinary procedures. It is recommended that the governing body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities (even if it's hiring it out for a wedding reception!), have their own complaints procedure in place.
3. When schools draw up their procedure it is recommended that local teacher associations and LEA's be involved. An example of a procedure, which schools might find helpful, is at Annex B.

This note does not represent Statutory Guidance issued by the Secretary of State.

Further information can be obtained from:-

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Staindrop Rd
Darlington
DL3 9BG

Tel No: 01325 391 102
Email: gov.recruit@dfes.gsi.gov.uk

Web link to Act – <http://www.legislation.hmso.gov.uk/acts/acts2002/20032--f.htm#29>

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KEY MESSAGES

Part 1: General Principles of Complaints

DEALING WITH COMPLAINTS – INITIAL CONCERNS

- 4) Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earlier stage will reduce the numbers that develop into formal complaints.
- 5) These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need 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. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

DEALING WITH COMPLAINTS – FORMAL PROCEDURES

- 6) The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
- 7) Schools might wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'Complaints Co-ordinator'. In smaller schools this may often be the headteacher.

FRAMEWORK OF PRINCIPLES

- 8) An effective Complaints Procedure will:-
 - encourage resolution of problems by **informal** means wherever possible;
 - 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

- 9) It is suggested that at each stage, 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

- 10) At each stage in the procedure schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient 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;
- 11) It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.
- 12) An effective procedure 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.

VEXATIOUS COMPLAINTS

- 13) Of property followed, a good complaints procedure will 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 GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

TIME- LIMITS

- 14) Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can 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

- 15) An efficient school complaints procedures will have well-defined stages. A flow chart of suggested stages can be found in Annex C. At each stage it would be helpful to clarify exactly who will be involved, what will happen, and how long it will take. 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. Both of these examples could be included.
- 16) Three school-based stages are likely to be sufficient for most schools.
- Stage 1: complaint heard by staff member (though not the subject of the complaint)
 - Stage 2: complaint becomes formal when submitted in writing
 - Stage 3: complaint received by Headteacher
 - Stage 4: complaint heard by GB's complaints appeal panel

In very small schools it may be necessary to go straight to stage 2.

- 17) Regardless of how many stages the school chooses, an unsatisfied complainant can always take a complaint to the next stage. Some procedures may allow for an additional stage if the LEA, Diocese Body (DB) or other external agency provides an independent appeal or review.
- 18) An effective procedure will specify how a complaint will be dealt with if it concerns the conduct of the Headteacher or a Governor or where a Headteacher or Governor has been involved in the issue previous.
- 19) An example of a complaints procedure can be found in Annex B.

PART 3 – MANAGING AND RECORDING COMPLAINTS

RECORDING COMPLAINTS

- 20) It would be useful for schools to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Annex D. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured 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.
- 21) The complaints co-ordinator could be responsible for the records and hold them centrally

GOVERNING BODY REVIEW

- 22) The GB can 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. Preferably, complaints information shared with the whole GB will not name individuals.
- 23) 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 GB can be a useful tool in evaluating a school's performance.

PUBLICISING THE PROCEDURE

- 24) There is a legal requirement for the Complaints Procedures to be publicised. It is up to the GB to decide how to fulfil this requirement but details of the Complaints Procedures could be included in:-
- the school prospectus
 - the governors' report to parents
 - the information given to new parents when their children join the school
 - the information given to the children themselves
 - the home-school agreement
 - home school bulletins or newsletters
 - documents supplied to community users including course information or letting agreements
 - a specific complaints leaflet which includes a form on which a complaint can be made
 - posters displayed in areas of the school that will be used by the public such as reception or the main entrance
 - the school website

WHAT IS NOT COVERED BY THE PROCEDURE?

The procedure does not cover complaints that relate to those matters outlined below, for which there are separate arrangements. Where a complaint is made and subsequently found to fall within one of these categories, it will be investigated in accordance with the appropriate procedures, and the complainant will be notified accordingly.

Child protection issues; SEN and appeals to SEN tribunals; the curriculum, collective worship or R.E.; temporary disapplication of the National Curriculum; school admissions and admission appeals; staff disciplinary and grievance matters; exclusions appeals.

Assessment or examination results

If the complaint is of a serious nature or if you are unsure as to whether it should be dealt with under the general complaints procedure you should seek advice from the LEA. The contact within the LEA for advising on matters relating to complaints is Vicky Hunter in the Schools' Planning & Management Service. Telephone: 0161 253 5685.

If at any point during the procedure it becomes apparent that the complaint is potentially a disciplinary matter relating to a member of staff, the procedure should be stopped and advice sought from the LEA. All parties should be notified.

COMPLAINTS PROCEDURE

STAGE ONE – INFORMAL

Anyone (parents, carers or members of the public) must feel able to raise a concern or make a comment about what goes on in school with members of staff, the Head Teacher, or other nominated senior member of staff, without formality. They should be readily able to find out how to do this and may do so in person, by telephone or in writing.

Most concerns, comments and complaints can be resolved informally by contacting a member of staff, the Head Teacher or other nominated senior member of staff at the school, and do not develop into formal complaints. Anyone who wishes to see a member of staff should make an appointment to meet with the member of staff at an agreed time. The member of staff can request to be accompanied by a colleague or representative from their professional association if they wish.

If a member of the Governing Body is contacted about a matter concerning the day to day running of the school, the Governor should refer the person to the Head Teacher or other nominated senior member of staff and not become further involved. At this stage, it may be unclear whether the person is seeking information, making a comment or making a complaint.

If the member of staff first contacted cannot deal with the matter personally, he/she may need to refer the matter to a colleague. Before doing so, the nature of the concern should be clarified, details recorded (name of person, contact address or phone number, nature of concern, date when concern raised and date(s) of any relevant incident or event) and the person must be notified of the likely time-scale of a response.

If the matter cannot be resolved at this stage, and the person wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint.

STAGE TWO – FORMAL COMPLAINT

Whilst informal complaints can be made in person, by telephone or in writing, all formal complaints should be submitted in writing to the Head Teacher, unless the complaint is in respect of the Head Teacher, in which case it must be submitted to the Chair of Governors.

Who will deal with the complaint?

- The Head Teacher or other nominated senior member of staff
- The Chair of Governors if the complaint is in respect of the Head Teacher

WHAT HAPPENS NEXT?

The complaint must be acknowledged in writing within five working days of receipt giving a brief statement that the complaint is now at stage two, a target date for providing a response (normally within 20 working days, but if this is not possible, a written explanation giving the reason for the delay and a revised target date), an invitation for the complainant to provide or discuss any supplementary information.

The person dealing with the complaint will arrange for the complaint to be investigated and may seek additional information. Written records of all meetings, telephone conversations and other documentation relevant to the investigation must be kept.

Once all the relevant facts have been established, the person dealing with the complaint will make a decision about whether or not to uphold the complaint.

The decision will be recorded in a written response, which, subject to any requirement to maintain confidentiality will include the following

- a) a full explanation of the decision,
- b) any action taken or proposed to be taken,
- c) details of any requests made to the person complained against to take particular actions to resolve the complaint,
- d) the availability of the next stage of the procedure if the complainant continues to be dissatisfied.

Where the complaint is investigated in accordance with other procedures, as outlined above, the complainant will be informed that this is the case and there will be no requirement to provide any further information. In such instances it is sufficient to inform the complainant that action has been taken in accordance with the appropriate procedures.

STAGE THREE – COMPLAINTS SUB-COMMITTEE

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Body Sub-Committee.

The Governing Body Complaints Sub-Committee is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would 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. Governing Bodies are advised therefore to have a clear protocol for which Governors may sit on a Complaints Sub-Committee, Staff Discipline Sub-Committee and Appeals Sub-Committee. Other procedures may mean that the outcome of the investigation may need to remain confidential.

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 complaints; making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing complaints 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.

REMIT OF THE COMPLAINTS SUB-COMMITTEE

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.

* Dependent upon the nature of the complaint and the required course of action, the matter may need to be referred back to the Head Teacher, for the appropriate course of action to be determined in accordance with other procedures.

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

It is important that the complaint 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.

The aim of the hearing, which needs to be held in private, and the proceedings to remain confidential, 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.

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.

Extra care needs to be taken when the complainant is a child. Consideration needs to be given to whether it is appropriate for the child to be present other than to present evidence or answer questions. Careful consideration should be given to the atmosphere and proceedings to 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.

The governors sitting on the panel need to be aware of the complaints procedure.

COMPLAINTS SUB-COMMITTEE PROCEDURE

Within ten working days of the Chair of Governors or a nominated Governor will arrange a meeting of the Governing Body Complaints Sub-Committee. A letter should be sent to the complainant, any person complained about and the person who conducted the investigation inviting them to attend the meeting. (The complainant and any person complained about should be informed of their right to be represented at the meeting).

At the meeting

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 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 DECISION

Within 10 working days of the Sub-Committee meeting the complainant will receive a written response which will include:

- the decision of the Sub-Committee (with reasons)
- any action taken or proposed to be taken by the Committee, subject to any requirement to maintain confidentiality.
- details of any request made to the person complained against to take particular actions to resolve the complaint
- details of what to do next if the complainant continues to be dissatisfied.

CHECKLIST FOR A PANEL HEARING

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Any member of staff against whom a complaint is made should be invited to attend the hearing and/or to be supported/represented by a colleague or professional association.
- 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 Head Teacher/the person who investigated the complaint may question both the complainant and the witnesses after each has spoken.
- The Head Teacher or the person who investigated the complaint is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question either the Head Teacher or the person who investigated the complaint 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 Head Teacher or the person who investigated the complaint is then invited to sum up the school's actions and response to the complaint.
- Both parties leave the hearing for a short period during which time they can be called back to clarify issues. Thereafter both parties will be invited to leave together while the panel decides on the issues.
- The panel will decide on the matter and this will be confirmed chair explains that both parties will hear from the panel in writing within 10 working days.

STAGE FOUR

If properly followed, a good complaints procedure will 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.

There is **NO** right of appeal to the Local Education Authority if the complainant is still dissatisfied. The complainant may pursue the complaint with the Secretary of State for Education and Skills at the following address:

Secretary of State for Education and Skills
DfES
Sanctuary Buildings
Great Smith Street
Westminster
London
SW1P 3BT

What does the Governing Body need to do?

The Governing Body should consider, amend if necessary and then formally adopt this complaints procedure or its own complaints procedure. This may be considered by a sub-committee, but the decision to adopt a procedure should be taken at a full Governing Body meeting. The Governing Body should expect to receive a report, annually, which includes the number of formal complaints received, the type of complaint and the length of time taken to deal with the complaint.

All members of staff and the Governing Body will need to be made aware of the procedure and their role in implementing it.

SETTING UP APPROPRIATE STRUCTURES

In order to deal with complaints, the Governing Body should have appropriate structures in place. The Governing Body will need to delegate responsibility to a Complaints Sub-Committee. This sub-committee may be newly established or the role of an existing sub-committee may be extended to take on the responsibility of dealing with complaints. No Governor who has been involved with matters that are the subject of the complaint may take part in any committee that subsequently deals with the complaint.

Prestwich Arts College is committed to the process of ongoing review. Normally, all school policies will be reviewed after three years unless statutory guidance or Local Authority advice recommends either a shorter timescale or review with immediate effect.

Date of last review: December 2006

Date of next review: January 2008

Stage One: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be 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 appropriate person and advise them about the procedure. It would be useful if 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.

Stage 2: Complaint formally received by Headteacher

The complaint becomes formal when submitted in writing to the Headteacher.

Stage 3: Complaint Heard by Headteacher

The Headteacher's influence will already have shaped the way complaints are handled in the school. 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 Head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage 4: Complaint Heard by Governing Bodies Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated Governor, will convene a GB complaints panel.

METROPOLITAN BOROUGH OF BURY

PRESTWICH ARTS COLLEGE

Complaint Form

Please complete and return this form to the Head Teacher who will acknowledge receipt and explain what action will be taken.

Your name:

Address:

Telephone (Daytime):

(Evening):

E-mail:

Your child's name:

Year group:

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 their response?

What actions do you feel might resolve the problem?

Signature.

Date.