

Complaints Procedure

February 2015



Under section 29 of the Education Act 2002 Governing bodies of Maintained Schools are required to establish a general complaints procedure.

Ashleworth C of E Primary School staff and governors aim to promote good practice in having effective and open procedures for 'sorting things out'.

Our positive approach enables the provision of a channel of communication for identifying the needs of the whole school community.

Stage 1

Complaint Heard By Staff Member/Class Teacher

- Crucial in deciding whether the complaint will escalate.
- If 'day to day' issues are able to be dealt with then class teacher to make that judgement.
- If the member of staff feels too compromised or if the complainant indicates she/he would have difficulty discussing a complaint with a particular member of staff, the Head can refer the complainant to another member of staff.
- If the complaint is about the headteacher, the complainant should be directed to the Chair of Governors
- Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved in the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage 2

Complaint heard by Headteacher

- Either an initial complaint or dissatisfaction with the way a complaint was heard at step one.
- Head to make decision on action to be taken.

Stage 3

Complaint Heard by Governing Body Complaints Appeal Panel

- The complainant needs to write to the Chair of Governors giving details of the complaint.
- The Chair will convene a Governing Body complaints panel to hear the appeal.
- Individual complaints would not be heard by the whole governing body at this 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.

Note: the governing body may nominate a number of members (usually 3 or 5 members, who may choose their own chair) with delegated powers to hear complaints at this stage and set out its terms of reference which may include:-

- Drawing up its procedures, Hearing individual appeals
- Making recommendations on policy as a result of complaints

For more information or to arrange a visit to our school please contact:

Michelle Kelly (Headteacher) tel: 01452 700340 admin@ashleworth.gloucs.sch.uk



Complaints Procedure

The procedure for the GB panel for hearing appeals

The panel can

- Dismiss the complaint in full or part
- Uphold the complaint
- Decide on 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.

Points to remember

- The hearing to be independent and impartial. No governor to sit on appeal who has prior involvement in complaint or circumstances surrounding it.
- Panel to comprise a cross section of categories of governors
- Sensitivity to issues of race, gender and religious affiliation.
- Panel to ensure proceedings are as welcoming as possible (informal setting of room) as many complainants feel nervous or inhibited in formal setting.
- Extra care to be taken when complainant is a child. Consideration of atmosphere and proceedings. The panel need to be aware of the views of the child and give them equal consideration to that of adults.
- Where the child's parent is the complainant, the parent should have the opportunity to say which parts of the hearing, if any, the child should attend.
- The governors sitting on the panel need to be aware of the complaints procedure

The aims of the Hearing (which must be held in private)

To resolve the complaint and achieve reconciliation between school and complainant (although it has to be recognised that the complainant might not be satisfied with the outcome of the hearing if it 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.

The Role of the Clerk

Clerk needed to clerk the appeal panel hearing.

Clerk to be the contact person for the complainant and needs to:-

- Set the date and venue, ensuring convenient to all parties
- Collate any written material and send to parties in advance of the hearing

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- Meet and welcome the parties as they arrive at the hearing
- Record all proceedings
- Notify all parties of the panel's decision.

The Role of the Chair of Governors

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

- Explain the remit of the panel to the parties
- Ensure each party has the opportunity of putting their case without undue interruption
- Ensure issues are addressed
- Ensure key findings of fact are made
- Make sure parents not used to speaking are put at ease
- Ensure the meeting is conducted in an informal manner with each part treating each other with respect and courtesy
- Ensure panel acts open minded and independently
- Ascertain 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 to be given the opportunity to state their case and ask questions
- Written material should be seen by all parties.
- If an 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

- Chair to ensure the complainant is notified of the panel's decision in writing within 4 weeks.
- Explain further rights of appeal and to whom they should be addressed.



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Checklist for a Panel Hearing

The panel needs to take the following points into account:

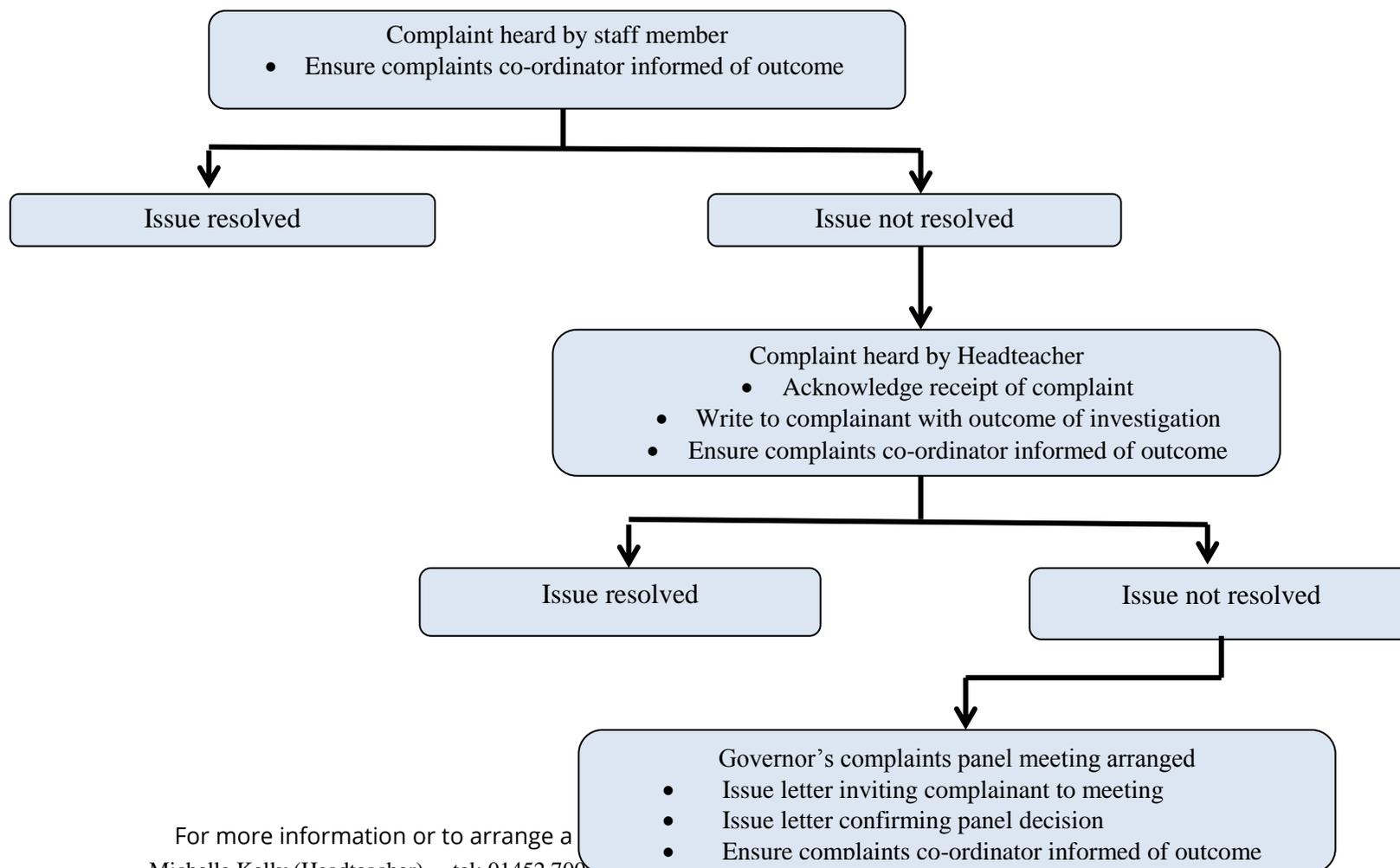
- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant 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.



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Flowchart



For more information or to arrange a meeting please contact
Michelle Kelly (Headteacher) tel: 01452 700570 m.kelly@ashleworth.cofe.sch.uk



Ashleworth Church of England Primary School

Complaints Procedure

Ashleworth C of E Primary School Complaint Form

Please complete and return to Mrs Kelly, Headteacher, or Simon Tyrrell, Chair of Governors who will acknowledge receipt and explain what action will be taken.

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:



Complaints Procedure

General Principles of complaints

Dealing with Complaints – Initial concerns

School needs to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

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 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

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.

Framework of Principles

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

It is suggested that at each stage, the person investigating the complaint, 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;

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- 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 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.

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.

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

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 GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

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Ashleworth Church of England Primary School

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Time-Limits

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.

In all aspects of life at Ashleworth C of E Primary School, the safety and well-being of our children is paramount. We expect all staff and volunteers to share this commitment.