

Earls Barton Junior School



We are driven to succeed today, tomorrow and beyond **Complaints Policy Document**

Last Reviewed: February 2016

Signature of Chair of Governors:

Review Period: Annually

Policy adopted from model policy and procedures issued by NCC

COMPLAINTS PROCEDURE

The Earls Barton Junior School complaints procedure has three stages:-

1. Initial Approach
2. Formal Complaint (to Head Teacher or Chair of Governors)
3. Appeal (to Governor Committee)

Stage 1 - INITIAL APPROACH

GUIDELINES

The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher, year head or Head Teacher.

Earls Barton Junior School aims to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.

PROCEDURE

1. Parents should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.
2. If the member of staff first contacted cannot deal with the matter immediately, s/he should make a firm arrangement to deal with it at a future date or refer the matter to the Head Teacher or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first contact should check later to make sure the referral has been successful.
3. The Head Teachers should ensure that all staff have guidelines about when to refer a matter and who to.
4. If the concern relates to the Head Teacher and the parent feels unable to raise it with the Head Teacher they should be advised to contact the chair of governors.
5. The staff member/Head Teacher dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.
6. If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support that may be available to them.

Stage 2 - FORMAL COMPLAINT TO HEAD TEACHER OR CHAIR OF GOVERNORS

PROCEDURE

1. Parents who wish to pursue a formal complaint at Stage Two should be asked to put the complaint and their desired outcome in writing to the Chair of Governors or Head Teacher. The chair of governors / Head Teacher (or designated member of staff) should acknowledge the complaint orally or in writing within three days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within ten days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
2. The chair of governors / Head Teacher (or a designated member of staff) may offer an opportunity for the complainant to meet him/her. The complainant should, if she/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.
3. If necessary, the chair of governors / Head Teacher (or a designated member of staff) should interview any witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed, normally with parent/guardian present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the pupil feels comfortable should attend with him/her. If a member of staff is complained against, the needs of that person should be borne in mind. Advice may need to be sought from Education Personnel.
4. The chair of governors / Head Teacher (or designated member of staff) should keep written records of meetings, telephone conversations and other documentation.
5. Once all the relevant facts have been established, the chair of governors / Head Teacher (or designated member of staff) should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, s/he may appeal to a panel of governors. The complainant should notify the chair of governors within two weeks of receiving the letter detailing the outcome of the complaint.

Stage 3 – APPEAL TO PANEL OF GOVERNORS

PROCEDURE

Upon receipt of a written request from the complainant for the complaint to proceed to Stage Three, the following procedure should be followed.
A suitable clerk to the panel should be appointed.

1. The clerk should write acknowledging receipt of the written request, informing the complainant that it will be heard by a committee of the governing body within 15 working days of receipt.
2. The clerk should convene a meeting of the complaints committee at a time which is convenient for the complainant and the school.
3. The clerk should ensure that the complainant, Head Teacher and any other witnesses are given at least five working days notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The chair should ensure that interpretation facilities for the hearing are offered and made available if required. The letter should set out the procedure for the conduct of the hearing (see annex A) and the complainant's right to submit further written evidence to the committee.
4. The clerk should invite the Head Teacher to attend the hearing and to submit a written report for the committee in response to the complaint. The Head Teacher may also invite the chair of governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the committee.
5. All relevant documents should be received by all parties, (including the complainant) at least five days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
6. An LA officer may be invited to attend the meeting to advise the committee.
7. The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken.
8. The chair of the panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
9. At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both parties with their decision or judgement within 3 days.
10. All except for the governors' panel and any advisers should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or the parent; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
11. The school should ensure that a copy of all correspondence and notes is kept confidentially on file in the school. This should be separate from pupils' personal records.

12. The broad outcomes recommended by the panel can be reported to the next full governing body or appropriate committee with the identity of all those taking part kept confidential. The governing body should monitor implementation of the recommendations.

THE ROLE OF THE LA

- The primary responsibility for resolving complaints rests with the governing body. (1998 Education Act, Part II, Chapter 3, Para. 39[1]) The LA's role in school complaints is to provide advice to all parties.
- When the LA receives a general complaint which does not come under one of the areas covered by statutory requirements, nor is obviously concerned with child abuse or staff disciplinary matters the complainant will be referred to the school's complaints procedure. The complainant will be advised to contact the Head Teacher to take the matter further. If the complaint has already involved the Head Teacher but has not achieved a satisfactory resolution from the perspective of the complainant, the LA officer may seek to resolve issues between the Head Teacher and the complainant. If this is not possible or successful the complainant will be referred to the chair of governors. In this situation the Head Teacher will be notified of the referral and details of the complaint.
- LA staff will give advice to Head Teachers, governors and parents on the use of complaints procedures. For serious or complex complaints this will be through a Senior Education Officer.
- Where possible the LA will provide advice and appropriate support to complaints panels of governing bodies, including attendance of an officer at meetings to hear complaints.

ANNEX A

Model Procedure for the Conduct of a Stage 3 Governors Panel Hearing

1. The chair of the committee should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines.
 - 3.1. The complainant describes her/his complaint and may call witnesses.
 - 3.2. The Head Teacher may seek clarification from the complainant and any witnesses.
 - 3.3. The governors' panel or its advisers may seek clarification from the complainant and any witnesses.
 - 3.4. The Head Teacher will respond to the complaint and may call witnesses.
 - 3.5. The complainant may seek clarification from the Head Teacher and any witnesses.
 - 3.6. The governors' panel (including any Advisers) may seek clarification from the Head Teacher and any witnesses.
 - 3.7. The Head Teacher will be given the opportunity to sum up.
 - 3.8. The complainant will be given the opportunity to sum up.
 - 3.9. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The panel should make a decision or judgement on:-
the validity of the complaint; appropriate action to be taken by the school and/or parent;
and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing within 5 days.

NB If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being heard with all present in one sitting.

ANNEX B

Dealing with Complaints about Racism in Schools

1. **Racist Behaviour to a Child or Student**
The procedures to be followed are contained in the LA's guidance "Notification of Racist Incidents"
2. **Racist Incident Alleged Against School Staff**
 - i. The report/complaint should be made to the Head Teacher, or if the Head Teacher is the subject of the report/complaint, to the Chair of Governors;
 - ii. As racism is a disciplinary offence, the normal disciplinary procedures are followed.
3. **Institutional Racism**
Parents who perceive that racist practice or policies are operated by the school should pursue these through the General Complaints Procedure