



Fingringhoe C of E  
(VA) Primary School

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# Complaints Procedure

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**Approved by Staff and Governors:**

March 2017

**Review:** March 2018

## **COMPLAINTS PROCEDURE**

*This procedure is based on the model issued by Essex County Council Department of Learning Services contained in the document 'Complaints Procedures -- Guidance for Local Authority Maintained Schools' which should be consulted for background, points of principle, further guidance etc.*

### **1 Stage 1: The first contact**

- 1.1 Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.
- 1.2 If the member of staff first contacted cannot immediately deal with the matter, he or she makes a clear note of the date, name, contact address and/or phone number.
- 1.3 All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. He or she will check later to make sure the referral has been dealt with.
- 1.4 If the matter is brought to the attention of the Headteacher, he or she may decide to deal with the concerns directly at this stage.
- 1.5 The staff member dealing with the matter should make sure the parent is clear what, if any, action or monitoring of the situation has been agreed. (Although not always necessary, consideration should be given to confirming in writing what has been agreed -- either by letter or a copy of a file note.)
- 1.6 Where no satisfactory solution has been found within ten days, parents are asked if they wish their concern to be considered further. If so they are advised to write to the Headteacher or, if the complaint relates to the Headteacher, to the Chair of the Governing Body.

### **2 Stage 2: Formal involvement of the Headteacher**

- 2.1 The Headteacher (or designate) acknowledges the complaint in writing within three working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaints procedure and a target date for providing response to the complainant -- normally within ten working days. If it is not possible to respond within the ten days, a letter is sent explaining the reason for the delay and giving a revised target date.
- 2.2 Ordinarily, the Headteacher (or designate) provides an opportunity for the complainant to meet with him or her to supplement any information provided previously. It should be made clear to the complainant that he or she may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf. The Headteacher (or designate) may be accompanied by an adviser if the circumstances warrant this.
- 2.3 Where necessary, following the meeting, the Headteacher (or designate) will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil concerned and others present at the time should be interviewed. Pupils would normally be interviewed with parents or guardians present unless this would seriously delay the investigation of a serious or urgent complaint or where a pupil has specifically said he or she would prefer that parents or guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be present. If the complaint is against a member of

staff, he or she must subsequently be allowed to explain his or her version of events.

- 2.4 The Headteacher (or designate) must keep written records of all meetings and telephone conversations -- which should be signed and dated -- and other related documentation.

- 2.5 Once all the relevant facts have been established, the Headteacher (or designate) may wish to meet the complainant to discuss/resolve the matter directly. In any event, a written response should always be sent, including a full of explanation of the decision and the reasons for it. Where appropriate, the letter will indicate what action the school will take to resolve the complaint. The complainant must be advised that should he or she wish to take the complaint further, he or she should notify the Chairman of the Governing Body within five weeks of receiving the letter.
- 2.6 If the complaint is against an action of the Headteacher (or if the Headteacher has been very closely involved at Stage 1) the Chairman of the Governing Body will carry out all the Stage 2 procedures.

### **3 Stage 3: Consideration by the Governing Body**

#### Chair of the Governing Body

- 3.1 When the Chair of the Governing Body receives the notice of complaint, they will decide if he or she is the most appropriate person to handle the complaint on behalf of the Governing Body. If so, the procedure moves to the next sub-section.

If not, they will identify a governor to handle the complaint and that person will continue the procedure. Any references to the Chairman should be taken as referring to the governor handling the complaint.

- 3.2 If it appears to the Chairman that it is appropriate to seek an informal resolution to the issue, they will:
- either telephone and/or meet with the parent or guardian to hear their side of the story;
  - talk to the Headteacher to hear the other side of the story;
  - discuss with the Headteacher how the issue might be resolved;
  - agree with the Headteacher whether it would be helpful for the Chairman to act as facilitator/mediator between the Headteacher and the parent;
  - seek to resolve the matter to the satisfaction of both the Headteacher and the parent;
- 3.3 If the Chairman decides that action as at 3.2 is not appropriate in the circumstances, or having tried this approach the matter is still not resolved, then he or she must write to the parent to let him or her know that the matter will be referred to a complaints review panel. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint.

#### Complaints Review Panel

- 3.4 According to the arrangements concerning membership of the complaints review panel as agreed by the Governing Body, the Clerk to the Governors will seek to convene the panel within 20 working days. [The panel members must be Governors with no prior involvement with the complaint. If he or she has not previously been involved, the Chairman of the Governing Body should chair the panel; otherwise another experienced governor should do so. It is not appropriate for the Headteacher to sit on the panel. The advantages of having a parent governor on the panel should be considered.]
- 3.5 The Clerk will ask the Headteacher to prepare a written report for the panel in response to the complaint. The Headteacher should additionally ask members of staff directly involved in matters raised by the complainant to prepare reports.

3.6 The Clerk to the Governors will write and inform the complainant, Headteacher, any relevant witnesses and members of the panel at least five working days in advance, of the date, time and place of the meeting. All relevant correspondence, reports and documentation about the complaint should be included with the letter. The complainant should also be informed of his

or her right to be accompanied to the meeting by a friend or representative or advocate. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.

- 3.7 Subject to the prior agreement of the chairman of the panel, the Headteacher may invite members of staff directly involved in matters raised by the complainant to attend the hearing.
- 3.8 It is the responsibility of the chairman of the panel to ensure that the meeting is properly minuted.
- 3.9 The aim of the meeting should be to resolve the complaint and achieve a reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.
- 3.10 The panel should remember that many parents are not used to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. The chairman of the panel will therefore ensure that the proceedings are as informal as possible.
- 3.11 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 3.12 The meeting should allow for:
- the complainant to explain his or her complaint and the Headteacher to explain the school's response;
  - the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff about the school's response;
  - panel members to have an opportunity to question both the complainant and the Headteacher;
  - any party to have the right to call witnesses (subject to the approval of the chairman) and all parties having the right question all the witnesses;
  - final statements by both the complainant and the Headteacher.
- 3.13 The chairman of the panel will explain to the complainant and the Headteacher that the panel will now consider its decision, and that written notice of the decision will be sent to both parties within two weeks. The complainant, Headteacher, other members of staff and witnesses will then leave.
- 3.14 The panel will then consider the complaint and all the evidence presented in order to:
- reach a unanimous, or at least majority, decision on the complaint;
  - decide upon the appropriate action to be taken to resolve the complaint; and
  - where appropriate, recommend to the Governing Body changes to the school's systems or procedures to ensure that similar problems do not happen again.
- 3.15 A written statement outlining the decision of the panel will be sent to the complainant and the Headteacher. The letter to the complainant should explain whether a further appeal can be made, and if so to whom.

**3.16** The school should ensure that copies of all correspondence and notes are kept on file on the school's records. These records should be kept separately from the pupil's personal records.