

Millbrook Primary School



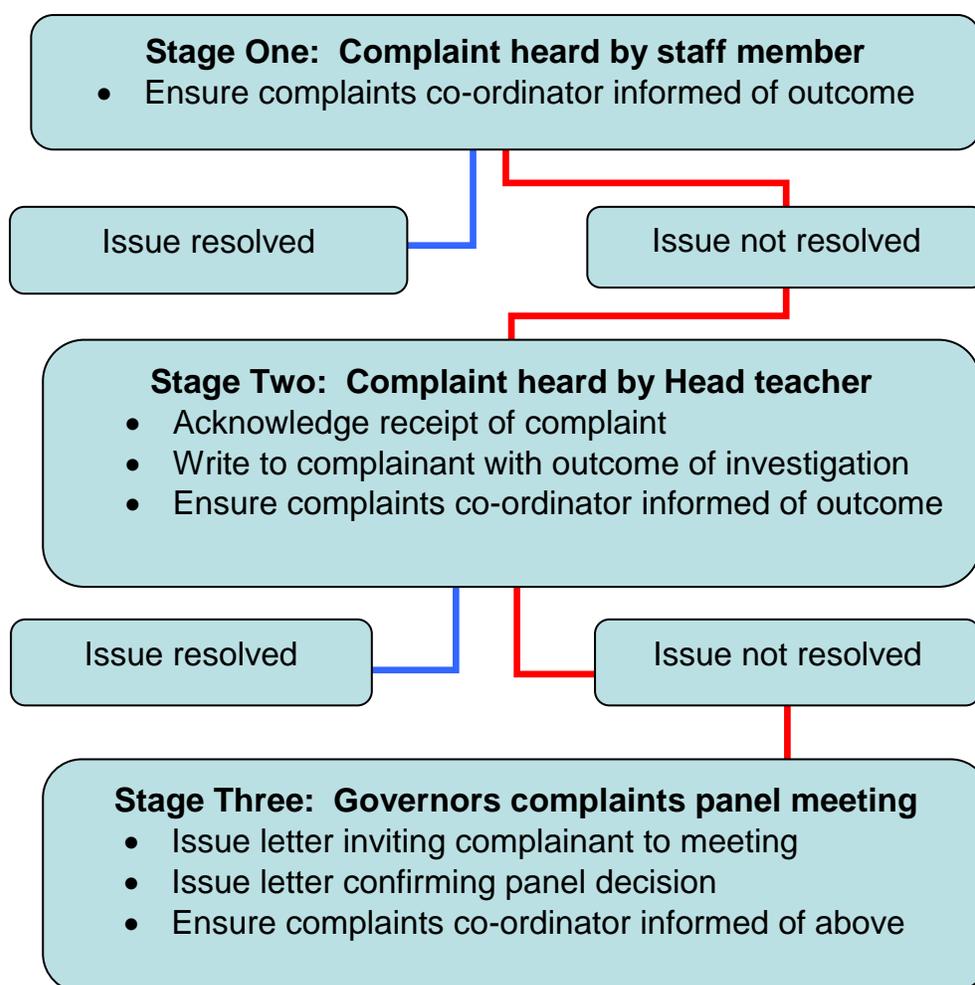
Complaints Procedure

September 2015

Introduction

This procedure has been created in line with the requirement under Section 29 of the Education Act 2002 for all maintained schools 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.

Summary of the Complaints Procedure



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, staff have been made aware of the procedures so that they know what to do when they receive a complaint.

The school endeavours to respect the views of a complainant who indicates that he/she would have difficulties in discussing a complaint with a particular member of staff. In

these cases, the complaints co-ordinator can refer the complaint to another staff member. Where the complaint concerns the head teacher, the complaints co-ordinator can refer the complaint 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 complaint must be considered objectively and impartially.

In circumstances where the first approach is made to a governor, they should refer the complainant to the appropriate person and advise them about the procedure. Governors have been advised not to 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 in the procedure.

Stage Two: Complaint Heard by Head teacher

It is recognised that when a complaint reaches stage two, then the complainant may now be dissatisfied with the way the complaint was handled at stage one in addition to their initial complaint.

The head may delegate the task of collating the information to another staff member but may not delegate the decision on the action to be taken.

Stage Three: Complaint Heard by Governing Body's 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 governing body complaints panel.

The governors appeal hearing 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.

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 part;
- Uphold the complaint in whole or 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 that 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.
- 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.

It is recommended that a clerk be appointed to assist any panel or group of governors considering a complaint. 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 facts 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 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. This should usually take place within a month of the hearing. The complainant should be updated of any delays in producing the written notification of the panel's decision.