



## ARLEY PRIMARY SCHOOL

### COMPLAINTS POLICY

Status of policy – Statutory

DATE REVIEWED: Dec 22

DATE APPROVED: Dec 22

By FGB

NEXT REVIEW DATE: Dec 23

Signed .....

Chair of Governors- Alexis Gardner

## Arley Primary School Complaints Policy

Governors of Arley Primary School have adopted this policy to deal with complaints from parents, carers, guardians, other members of the school community or the general public. This policy is based on the *Model Complaints Policy for Schools - Dealing with Concerns and Complaints - Complaints Policy for Schools* issued by Warwickshire County Council.

This Complaints Policy is designed to:

- be well publicised and easily accessible
- 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
- allow a mediation process if agreed by the complainant
- allow for a hearing of a panel of governors, where appropriate
- respect people's desire for confidentiality, wherever possible
- address all points of an issue, provide an effective response and appropriate redress where necessary
- provide information to the school's Senior Management Team so that services can be improved

### The complaints process

First, we hope you will speak to the relevant member of staff as soon as you have a concern. This will usually be the class teacher. This informal approach is nearly always the quickest and most effective way of resolving your concerns. If you feel that your concern has not been resolved, then it is important to speak to or write to the Headteacher who will look into your concern.

So, if someone has concerns they should:

1. discuss their concerns with the member of staff most directly involved as soon as possible (*informal stage*)

and if not satisfied

2. discuss their concerns with a senior member of staff as soon as possible (*informal stage*)

and if not satisfied

### 3. discuss their concerns with the Headteacher (*Formal Process Stage 1*).

We hope and expect the majority of concerns will be resolved at the informal stage and not be recorded as a formal complaint. However if not, then the *Formal Process* will be followed.

At each stage in the procedure, we will want to keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an appropriate 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
- a commitment to review school policies in light of the complaint

We encourage the person making the complaint (the complainant) to state what actions they feel might resolve the problem at any stage. We hope that having an effective procedure in place will help us to identify areas of agreement and to clarify any misunderstandings that might have occurred; this can create a positive atmosphere in which we can discuss any outstanding issues. It is however, important to be aware that an admission that the school could have handled a situation better is not the same as an admission of negligence or fault.

Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the Chair of Governors.

### **Making a complaint to the governing body [Formal Process Stage 2]**

Where informal attempts and stage 1 of the formal stage (informing the Headteacher) have been unsuccessful in resolving a complaint, the complainant should write to the Chair of Governors at:

Arley Primary School  
Gun Hill  
New Arley  
Nr Coventry  
Warwickshire  
CV7 8HB

The envelope should be marked 'FOR IMMEDIATE ACTION - PRIVATE AND CONFIDENTIAL' and staff in the school office must ensure that the letter is forwarded without delay.

The complainant might be asked to complete a complaint form if they have not already done so. The Chair of Governors will help the complainant complete the form if needed.

On receipt of the complaint (and complaint form if required), the Chair of Governors (or other governor) will:

- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is needed)
- clarify what the complainant feels would put things right

At this point the Chair of Governors will decide whether the complaint should go straight to the governors' complaints panel or whether a mediation stage should be offered. Mediation can only go ahead if the complainant and the Headteacher are willing. If mediation is not agreed or it is not successful when it takes place, the complaint will be considered by the governors' complaints panel.

### **How your complaint will be handled**

Within 5 working days the Chair of Governors will clarify the nature of your complaint by asking you provide details of your complaint in writing and possibly, to complete a complaint form. The Chair of Governors will help you complete the form if needed.

Within 5 working days of receiving the form the Chair will investigate the complaint and decide whether mediation should be offered to help you and the Headteacher explore a possible resolution.

If mediation is agreed, the Chair of Governors will endeavour to set up the meeting within 10 working days. If that timescale is not possible you will be told the reason.

If mediation is not deemed appropriate or if it is not successful, the Chair of Governors or Clerk will set up a panel of governors to meet within 15 working days of receipt of complaint form to consider your complaint. The Clerk will provide details of the hearing and will request any further information you may wish to provide.

The complaints panel will consist of three governors who (as far as possible) will have no prior knowledge of the complaint and events detailed. The panel will be supported by a Clerk who will take notes during the hearing and will stay with the panel while they make their decision in case governors need to be reminded about responses to a particular question. The panel will hear the complaint impartially and make their decision based on the facts and the evidence they have been provided with.

Five working days before the hearing the Clerk will send you/the complainant, the Headteacher and the three panel members, copies of all papers submitted by both sides so that there is sufficient time to read the evidence before the hearing (which must be submitted to the Clerk seven days before the hearing).

A diagram outlining the process can be found at the end of this document.

## **Mediation**

Mediation can be a good way to resolve a complaint because:

- It gives both the complainant and Headteacher another opportunity to hear each other's points of view (with a third party facilitating).
- It gives the third party an opportunity to help the Headteacher and complainant identify and build on areas of agreement.
- It gives the Headteacher and complainant a structure within which they can resolve remaining differences.
- If both the complainant and Headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a governors' panel, the issues that are being considered are likely to be much clearer following the mediation.

Mediation might lead to one or more of the responses below from either party:

- an acknowledgment that the complaint is valid in whole or in part
- an appropriate 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 acceptance that the complaint does not need to go further
- a commitment to review school policies in light of the complaint

## **Governors' Complaints Panel [Formal Process Stage 3]**

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of governors.

### **Establishing a complaints panel**

The governing body agree the composition of the complaints panel at the first meeting of the governing body each year and possible governors that could make up a panel of three. The decision about the membership of a particular panel will depend on factors such as availability, whether any governors have prior knowledge or have a conflict of interest, etc.

When the Clerk of the governing body receives a copy of the complaint that has progressed to this stage, he/she will inform the governing body that a complaint has been received and that it has been passed to the panel to deal with. No further information about the complaint should be shared with other governors.

The Chair of the panel will be nominated by the Chair of Governors and is responsible for making sure that both the complainant and Headteacher are given a fair hearing and that the panel arrives at its judgment without fear or favour.

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.
- (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.
- (c) 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 not intimidating and not adversarial.

### **The remit of the panel**

The complaints 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 problems of a similar nature do not recur

The complaints panel may:

- Consider and, if appropriate, criticise the way in which an operational decision was communicated - but cannot overturn the decision itself.
- Consider the thoroughness with which the Headteacher investigated a complaint about a member of staff - but cannot expect the Headteacher to provide details about confidential discussions with that staff member.
- Consider the manner in which a complaint about any decision was addressed and ask for the decision to be reviewed - but cannot expect the Headteacher to change the decision.
- Consider and, if appropriate, identify limitations in a policy or procedures - but cannot make changes to the policy. *[It can, however, recommend that the policy be reviewed by the governing body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy.]*

- Consider whether it should recommend that the governing body offer appropriate redress.

### **What will happen at the governors' complaints panel**

1. Complainant and Headteacher will enter the room where the hearing is taking place together.
2. The Chair will introduce the panel members and the Clerk and outline the process.
3. The complainant is invited to explain the complaint.
4. The Headteacher may question the complainant.
5. The panel will question the complainant.
6. The Headteacher is then invited to explain the school's actions.
7. The complainant may question the Headteacher.
8. The panel will question the Headteacher.
9. The complainant is then invited to sum up their complaint.
10. The Headteacher is then invited to sum up the school's actions and response to the complaint.
11. The Chair explains that both parties will hear from the panel within five working days.
12. Both parties leave together while the panel decides on the issues.
13. The Clerk will remain with the panel to clarify any issues.

### **Notes about the conduct of the panel**

The hearing should be made as unthreatening as possible to all parties.

The panel may ask questions at any point. Panel members must find ways to ask probing questions while maintaining impartiality.

The Headteacher must have no contact with members of the governors' complaints panel except when the complainant is present to preserve the principle of neutrality. This means

that Headteacher and complainant enter and leave the room where the hearing is held together.

The Chair of the panel should discourage the introduction of fresh documentary evidence at the hearing - there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the Chair, the Chair will adjourn the hearing for a few minutes to allow everyone to read the document(s). Both parties must leave the hearing room during the adjournment.

### **Notes about exceptional circumstances**

The description above does not cover exceptional circumstances which might include:

- (a) The Chair of Governors may not be able to find three governors who have no prior knowledge of the case.
  - If a case has become a major talking point around the community, the Chair can nominate three governors with minimal prior knowledge.
  - If there are still insufficient governors able to sit on a panel, the governing body in consultation with the Local Authority will put in place an alternative fair process (the Chair of Governors will consult Governor Services in the first instance on 01926 412259 if this is the case).
- (b) A complaint to the governors' complaints panel will never be against a junior member of staff.
  - It may be against the way the Headteacher handled a complaint against a junior member of staff but it is conceivable that a senior manager will appropriately stand in for the Headteacher.
  - That would need to be considered very carefully but if agreed the senior manager would be 'the Headteacher' for the purpose of the panel.
- (c) There may be exceptional circumstances in which the complaint is against the Chair of Governors (e.g. for refusing to deal with a complaint).
  - In those circumstances the complaint should be sent to the Clerk of the governing body at the School (address above).
  - The procedure above would be adapted and every reference to 'Headteacher' would be read as 'Chair of Governors'.

### **Writing the decision letter**

The Clerk should make sure that s/he uses clear wording that states the panel decision about each of the issues considered before the panel is allowed to finish.

The Clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all three panel members, it should be sent to the complainant with a copy to the Headteacher.

The letter should clearly express how seriously the panel considered the complaint.



The Clerk should be careful that the letter sticks to the facts and gives no hint of partiality.

The Clerk should make sure that the letter reaches the complainant and the Headteacher by the deadline stated in the policy and/or in a statement by the Chair of the panel at the end of the hearing (usually five working days).

### **If the complainant is not satisfied with the outcome**

If the complainant is still not satisfied with the outcome of Stage 3 of the Formal Process, the complaint cannot go any further than the governing body. The Local Authority cannot investigate school matters on a complainant's behalf or review how the school has dealt with a complaint.

If the complainant feels that the school and/or governing body have acted unreasonably or not followed the correct procedures, they can write to: the Secretary of State for Education and Skills, Department for Education and Skills, Sanctuary Buildings, Great Smith Street, London, SW1 P 3BT.

### **Monitoring Complaints**

As well as addressing an individual's complaint, the process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, schools might identify further issues that need to be addressed.

The monitoring and review of complaints by the school and governing body can be useful for evaluating the school's performance. Any discussion of complaints by the governing body or others in the school community should not name or be able to identify individuals.

This policy was adopted by the governing body in October 2014

To be reviewed January 2023

## Complaints process from start to finish

