

## *St. Andrew's & St. Mark's C. of E. Junior School*

### **COMPLAINTS' POLICY**

#### **Mission statement**

*At St. Andrew's and St. Mark's C of E Junior School we aim to provide a caring and secure environment. All pupils will be given access to a stimulating and broad curriculum, which aims to encourage them to realise their full potential both in school and the wider environment*

#### **Legal Background**

From September 2003 governing bodies of all maintained schools and nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints.

The School Standards and Framework Act 1998 provided an additional function of the governing body to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

A complaint is "a clear expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the school" about

i) the standard of teaching, the conduct, actions, or lack of action, of members of the teaching or non-teaching staff employed at the school and anybody else working under the direction of the headteacher, which affects an individual or group.

ii) a school policy

#### **Circumstances under which this procedure will not be followed**

- Complaints about the national curriculum
- Collective worship
- Religious education
- Temporary withdrawal of pupils from all or part of the national curriculum
- Pupil admissions
- Pupil exclusions

Issues related to child protection, criminal investigations and employee grievances must also all be handled separately from this policy.

This complaints policy is distinct from formal staff disciplinary proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures.

#### **General Principles**

- All complaints will be dealt with as quickly and efficiently as possible. (See Stages)

- All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.
- Care will be taken when the complainant is a child. Careful consideration of the atmosphere of the proceedings must be taken to 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 the adults. Where the child's parent/carer is the complainant, the parent/carer will be given the opportunity to say which parts of the hearing the child needs to attend.
- Any individual has the opportunity to raise concerns or submit a formal complaint. All parties have the right to be accompanied or represented by a friend or relative at discussions and hearings. If a complainant prefers a friend to speak on their behalf, if English is not their first language or some other reason, that person acts as the representative and speaks for the complainant. Only one person is able to speak. A friend accompanying the complainant for support is not able to take part in the proceedings.

## **Stage One: Complaint to be heard by staff member**

### **Informal Discussion**

The school will try to resolve complaints at the earliest possible stage as the experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. .

The headteacher will ensure that all staff at St. Andrew's and St Mark's C. of E. Junior School will be made aware of the procedures and they will know what to do when they receive a complaint.

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints. Individuals may decide to raise their concerns with a member of school administrative staff or class teacher. The complaint need not be in writing

The school will respect the views of the complainant when he/she indicates that he/she would have difficulty discussing the complaint with a particular member of staff. In these cases, the complaint will be referred to the staff member's line manager. Where the complaint concerns the headteacher the complainant will be referred to the Chair of Governors.

Where a complaint is made straight to the governors, the complainant will be referred to the Clerk to the Governors who will advise them about procedure. Governors will not act unilaterally on an individual complaint outside the formal procedure at the early stages as they may need to sit on a panel at a later stage of the procedure.

If the complaint is not resolved at Stage 1 the complainant will move to Stage 2 of the Complaints Procedure.

Complainants may choose to contact the headteacher directly of their own accord. In these cases it will be at the discretion of the headteacher as to whether or not it is appropriate for the complainant to discuss the matter informally or be dealt with at the formal Stage 2.

## **Stage Two: Complaint to be heard by Headteacher**

### **Formal**

A complaint to the headteacher should be in writing, but where this is not possible because of literacy or second language considerations, the administrative staff who receive the request for an interview should make a note of the request and reasons for the interview. The complaint should be acknowledged within 3 school days and a response made, if possible, within a further 10 school days. If this is not possible the complainant is to be informed.

At this point, the complainant may be dissatisfied with the way the complaint has been handled at Stage 1 as well as pursuing their initial complaint. The head may delegate the task of collating the information to another member of staff but may not delegate any decision on the action to be taken. Notes will be kept of interview and actions taken.

If the complaint is not resolved at Stage 2 the complainant will move to Stage 3 of the Complaints Procedure.

## **Stage Three: Review by the Chair of Governors**

In all cases where the complaint concerns the school's headteacher directly, stage 2 will be missed out and the formal complaints procedure will begin at stage 3.

When a complaint is referred to the governing body, the chair should acknowledge receipt of the written complaint within 3 school days if possible, but no more than 5 at most, by writing to the complainant. The complainant should set out the complaint fully in writing using the form in the appendix. Where this is not possible because of literacy or second language considerations, the complaint should be made verbally to the clerk to the governors who will scribe using the form in the appendix.. Full notes of the complaint must be taken and agreed with the complainant.

The chair, as an independent, unbiased third party, will investigate the complaint, and in most cases, seek to resolve the matter through discussion with the complainant and the headteacher. Notes will be kept of the interview and the actions agreed with all parties. At the end of this stage the chair will provide the complainant with a written response, if possible within 10 school days. If more time is needed the complainant should be informed.

## **Final Stage of School Process: Review by Governing Body**

If the complainant is not satisfied with the response he/she must write to the Clerk or Chair of Governors. The chair, or a nominated governor, will convene a governing body complaints panel within 15 school days of the receipt of that letter.

The governors' complaints panel is the last stage school-based stage of the complaints procedure, and is not convened to rubber-stamp previous decisions.

Individual complaints are not to 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 will nominate a number of members with delegated powers to hear complaints at any stage, and set out its terms of reference. This will include:

- drawing up its procedures;
- hearing individual representations;
- making recommendations on policy as a result of complaints.

The panel will be drawn from the nominated members and will consist of three people. The panel will choose their own Chair.

### **Vexatious Complaints:**

The governors will not hear vexatious complaints. In this policy the term means “done constantly or as a habit” If the complainant tries to reopen the same issue which has already been dealt with through the complaints procedure, the Chair of the Governing Body will inform him/her in writing that the procedure has been exhausted and that the matter is now closed. This will only be used where the concerns have been answered and no outstanding or new issues remain. At the point at which this judgement is made the process is closed for the school.

### **The Remit of the Complaints Panel**

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate course of 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 reoccur.

Governors on a complaints panel need to remember:

- a) It is important that the appeal hearing is independent and impartial and is seen to be so by everyone involved. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to ensure it is sensitive to the issues of race, gender and religious affiliation.
- b) The aim of the hearing, which will be held in private, will be to resolve the complaint and achieve reconciliation between the school and the complainant. It must be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. However, it may be possible to establish 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 complainants may feel nervous and inhibited in a formal setting. The panel chair will ensure that the proceedings are as welcoming as possible and not adversarial.
- d) See General Principles regarding children
- e) The governors sitting on the appeal panel will be fully conversant with the complaints procedure.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The panel or group of governors considering the complaint will have a clerk. The Clerk to the Governors will be the main point of contact for the complainant and will 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 parties in advance of the hearing;
- meet and welcome the parties as they arrive at the meeting;
- record the proceedings making full notes of all questions and answers and agreeing the notes/minutes with all parties.
- notify all parties of the panel's decision within ten working days.

### **The Role of the Chair of the Governing Body or the Nominated Governor**

He/she will:

- check the correct procedure has been followed;
- where a hearing is appropriate, notify the clerk to arrange the panel.

### **The Role of the Chair of the Panel**

The Chair of the Panel will ensure 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 fact are made;
- parents/carers 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 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 all parties will have the opportunity to consider and comment on it.

### **Notification of the Panel's Decision**

The chair of the panel will ensure that the complainant is notified of the panel's decision in writing. This is to be in accordance with the agreed deadline. The letter will explain if there are any further rights of appeal and, if so, to whom they may be addressed.

#### **Further action:**

If the complainant is not satisfied by the decisions taken at stage 3 he/she may appeal to the Director of and Learning and Children's Services at Kingston upon Thames Borough Council. If still not satisfied an appeal can be made to the Secretary of State for Education.

Approved December 2011

*St. Andrew's & St. Mark's C. of E. Junior School*

**School Complaints Procedure - Complaints Form**

Please complete and return to the Clerk to the Governors who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to resolve your complaint?  
(Who did you speak to / write to and what was the response?)

What action do you feel might resolve this problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

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**Official use**

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

