



Complaints Procedure Statement

RATIFIED BY...

DATE:

DATE TO BE REVIEWED:

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GENERAL COMPLAINTS PROCEDURE FOR ROWNER JUNIOR SCHOOL

Introduction

This policy is intended as a good practice guide, applying to most general complaints which the school is likely to receive. It also meets the Circular 6/94 requirement to have a school policy about complaints concerning Special Educational Needs and Disabilities (SEND) provision within the school.

This policy does not cover those aspects of school life for which there are specific statutory requirements: in particular, arrangements under Section 409 of the Education Act 1996 for complaints about the delivery of the National Curriculum, non-approved external qualifications or syllabuses, the provision of information, the conduct of an appeal to the Governing Body about the headteacher's direction to withdraw/dis-apply the provisions of the National Curriculum for a pupil and the provision of collective worship and religious education. Parents/ carers who are not satisfied with a Local Authority's decision about special needs assessments may appeal to the SEND Tribunal. Concerns about schools admissions and exclusions also have specific appeal rights (see admissions policy).

In addition, allegations of child abuse, financial improprieties or other criminal activities will be dealt with through different procedures, as will the overall resourcing of the school.

General Information

Recording complaints.

Rowner Junior School shall record the progress of a complaint and the final outcome. A complaint may be made in person, by telephone, or in writing, by letter or email.

At the end of a meeting or telephone call, the member of staff shall ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls shall be kept and a copy of any written response added to the record. All records shall be held in the headteacher's office.

Monitoring complaints

The Governing Body of Rowner Junior School shall monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals. As well as addressing an individual's complaints, the process of listening to and resolving complaints shall contribute to school improvement. When individual complaints are heard, Rowner Junior School shall identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating the school's performance.

Time Limits and Consistent Fairness

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Each stage of the procedure has known time limits. Where it is not possible to meet these, information about progress shall be given to the complainant. Care will be taken not to draw things out with unnecessary bureaucracy. Rowner Junior School has a hierarchy for dealing with complaints.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this will be made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure which puts the complaints procedure on hold. If so, the complainant shall be informed of this and any non-disciplinary aspects of the complaint shall be dealt with by the usual complaints procedures. The complainant shall be updated on progress every three weeks on the likely further delay.

Support for Complainants

As part of the general publicity about complaints procedures, it is important for complainants to know where they can go for information, advice and advocacy, if they require it. Ideally, support should be offered from individuals and organizations that are clearly separate from those complained against, such as Citizens Advice Bureau, refugee support organizations and other local advice centres. However, advice often comes from Local Authority officers (e.g. specially designated complaints officers). The person raising concerns or complaints shall be invited to be accompanied by a friend, a relative or a representative at any stage of the procedure.

Support for a Person Complained Against

Staff who may be questioned as part of a complaints procedure investigation shall be treated in a fair way and be informed that they too will have an opportunity to state their case. They shall be told about the procedure, given a copy of it, and be kept informed of progress. There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially. They have the right to be accompanied by a union representative, friend or colleague at discussions about the complaint.

Confidentiality

Conversations and correspondence will be treated with discretion. It is vital that a complainant feels confident that their complaint will not mean that their child will be penalised. However, from the outset, all parties to the complaint shall be made aware that some information may have to be shared with others involved in the operation of the complaints procedure.

It may be appropriate to disregard anonymous complaints unless somebody is prepared to substantiate them, but the danger in this is that they may relate to something quite serious. It shall be at the headteacher or Governing Body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

Redress

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If the outcome of the complaints procedure shows that the school is at fault, redress shall be provided in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of; an apology; an explanation; a promise that the event complained of will not recur or an undertaking to review school policies or practices in light of the complaint. Fear of litigation shall not prevent Rowner Junior School from admitting to a complainant when mistakes have been made, but advice shall be taken from the Local Authority if litigation could be possible. Staff shall also take advice from their Trade Union and/or professional body.

Staff Awareness Training

School staff, including non-teaching staff, shall be familiar with the procedures so that they can advise about their operation. Potentially a great many staff are involved in handling complaints, especially at an informal level. To assist with staff confidence they shall have clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in the practical interpersonal skills needed in dealing with people who are upset or angry. All school staff shall have clear information about which staff have particular responsibilities at Rowner Junior School so that complainants do not get passed from one person to another.

Stage 1: The First Contact: Guidelines for Dealing with Concerns and Complaints Informally

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or admin staff or headteacher.

Complainants should feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of the complainant.

At first it may be unclear whether a person is asking a question or expressing an opinion rather than making a complaint. The person may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

Rowner Junior School Procedure: Stage 1

1.1 If the complaint refers to the headteacher, the complainant will be advised to contact the Chair of governors, via Rowner Junior School. Complaints against the Chair of governors or any individual governor should be made by writing to the Clerk to the Governing Body, who should seek advice and direction from Educational Personnel Services.

1.2 The complainant will have an opportunity for discussion of their concern with the appropriate member of staff (e.g. class teacher, deputy headteacher) who will be able to clarify with the complainant the nature of the concern, and reassure them that the school wants to hear about it. At this point the member of staff will aim to identify what sort of outcome the complainant is looking for.

1.3 If the member of staff first contacted cannot immediately deal with the matter, s/he shall make a clear note of the date, complainants name, contact address and telephone number.

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1.4 Any member of staff shall know how to refer, if necessary, to the person with responsibility for the particular issue raised by the complainant. The member of staff will check later to make sure the referral has been successful.

1.5 On certain major issues, the headteacher at Rowner Junior School may decide to deal with concerns directly at this stage.

1.6 The staff member dealing with the concern shall make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.

1.7 Where no satisfactory solution has been found within 10 school days, the complainant will be asked if they wish their concern to be considered further. If so, they will be given clear information both orally and in writing, about how to proceed and about any independent advice available to them.

Stage 2: Referral to the Headteacher (or Designated Officer) for Investigation

At this stage, it will have become clear that the concern is a definite complaint. In some cases the headteacher will have already been involved in looking at the matter; in others it will be her first involvement. In either case, it is helpful for the headteacher (or the person designated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

The headteacher has the responsibility for the day-to-day running of Rowner Junior School, and has the responsibility for the implementation of a complaints system, including the decisions about her own involvement at various stages. One of the reasons for having various 'stages' in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person. The headteacher shall make arrangements to ensure that her involvement will not predominate at every stage of a particular complaint. For example, arrangements can be made for other staff to deal with a complainant's concerns at stage 1, while the headteacher has contact with complainants at stage 2. Even at that stage, the headteacher may designate another member of staff to collect some of the information from various parties involved. In some cases, the headteacher may be so involved at stage 1 that stage 2 has to be carried out by a designated officer.

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Rowner Junior School Procedure: Stage 2

2.1 If a complaint is against the action of a headteacher, the Chair of the Governing Body shall carry out the Stage 2 procedures below: 2.2 -2.6

2.2 The headteacher (or designate) shall **acknowledge the complaint orally or in writing within 3 school days of receiving confirmation that the complaint is now to be dealt with at stage 2.** The acknowledgement will give a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. This should normally be within 10 school days; if this proves impossible, a letter is sent explaining the reasons for the delay and giving a revised target date.

2.3 The headteacher shall provide an opportunity for the complainant to meet her to supplement information provided previously. It shall be made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.

2.4 If necessary, the headteacher shall interview witnesses and take statements from those involved. If the complaint centers on a pupil, the pupil shall also be interviewed. Pupils would normally be interviewed with parents/carers present. In some situations circumstances may prevent this, e.g., where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that parent/guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable shall be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind.

2.5 The headteacher shall keep written records of meetings, telephone conversations, and other documentation.

2.6 Once all the relevant facts have been established, the headteacher shall then produce a written response to the complainant to discuss/resolve the matter.

2.7 A written response shall include a full explanation of the decision and the reasons for it. If appropriate, this shall include what action the school will take to resolve the complaint. The complainant shall be advised that should s/he wish to take the complaint further, s/he should notify the Chair of the Governing Body within two weeks of receiving the outcome letter.

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Stage 2a: Review by the Chair of the Governing Body (or designated governor) and the headteacher (or designated officer)

If the complaint is about the headteacher, go straight to Stage 3.

At this stage, the complainant has the opportunity to seek resolution of their complaint with the Chair of the Governing Body and the headteacher at Rowner Junior School. The complainant shall be reassured that Rowner Junior School is taking the complaint seriously.

Rowner Junior School Procedure: Stage 2a

2.8 The Chair of the Governing Body (or designated governor) shall acknowledge the complaint, orally or in writing within 3 school days and invite the complainant to meet with him/her and the headteacher to find a way to move forward.

2.9 Any relevant documentation, including the headteacher's report on the investigation to date shall be provided for the Chair of the Governing Body prior to the meeting

2.10 The Chair of the Governing Body shall keep written records of meetings, telephone conversations, and other documentation relating to the complaint

2.11 Once all the relevant facts have been established, from the original investigation and this further meeting, the Chair of the Governing Body shall then adjourn the meeting and produce a written response to the complainant to discuss/resolve the matter directly

2.12 A written response shall include a full explanation of the decision and the reasons for it. Where appropriate, this could include what action Rowner Junior School will take to resolve the complaint. The complainant shall be advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within two weeks of receiving the outcome letter.

Stage 3: Review by the Governing Body

At this stage, the school shall seek advice from the Local Authority. This can provide a useful "outside view" on the issues. It is important that this review not only be independent and impartial but that it is seen to be so. The review is the last school-based stage of the complaints process and is not there to merely rubber stamp previous decisions. Therefore, individual complaints shall not be considered by the Full Governing Body as serious conflicts of interest can arise; for example, in exceptional circumstances, a complaint may result in disciplinary action against a member of staff, and governors may be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly, some governors might have knowledge of the problem which led to the complaint and would be unable to give unbiased consideration to the issue.

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Many complaints are inevitably seen by complainants as being “against” a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the headteacher’s and/or the Chair of the Governing Body’s response at the earlier stages of the procedure, and it may be appropriate for the Governing Body to consider the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

Rowner Junior School Procedure: Review by the Governing Body Complaints Appeal Panel

If the complaint is about the headteacher, the panel meetings referred to in 3.1 to 3.17 will compromise governors, the complainant and a representative from Educational Personal Services.

3.1 Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below shall be followed:

3.2 The Clerk to the Governing Body shall write to the complainant within 3 school days to acknowledge receipt of the written request. The acknowledgement shall inform the complainant that the complaint is to be heard by 3 members of Rowner Junior School’s Governing Body within 20 school days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the 3 members of the panel.

3.3 The Clerk to the Governing Body shall arrange to convene a Governors’ Complaints Panel elected from members of the Governing Body

3.4 No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. If s/he has not previously been involved, the Vice-Chair of the Governing Body should chair the Panel. If not, a Chair must be elected for this purpose. It is not appropriate for the headteacher to have a place on the Panel. Governors will bear in mind the advantages of having a parent (who is also a governor) on the Panel. Governors will also be sensitive to issues of race, gender and religious affiliation.

3.5 The Chair of the Panel shall ensure that the complaint is heard by the Panel within 20 school days of receiving the letter. All relevant correspondence regarding the complaint shall be given to each Panel member when the composition of the Panel is confirmed.

3.6 The Chair of the Panel shall write and inform the complainant, headteacher, any relevant witnesses, and members of the Panel at least 5 school days in advance, of the date, time and place of the meeting. The notification to the complainant shall also inform her/him of the right to be accompanied to the meeting by friend/advocate/interpreter. The letter shall also explain how the meeting will be conducted.

3.7 The Chair of the Panel shall invite the headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint.

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Any relevant documents including the headteacher's report should be received by all concerned, including the complainant, at least 5 school days prior to the meeting.

3.8 The involvement of staff other than the headteacher is subject to the discretion of the Chair of the Panel.

3.9 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.

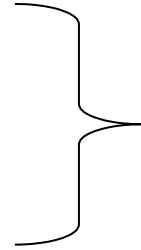
3.10 The aim of the meeting shall be to resolve the complaint and achieve reconciliation between Rowner Junior School and the complainant. However, it has to be recognized that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.

3.11 The Panel shall remember that many complainants are unused to dealing with groups of people in formal situations and may be inhibited when speaking to the Panel. Therefore the Chair of the Panel shall ensure the proceedings are as informal as possible.

3.12 If either party wishes to introduce previously undisclosed evidence or witnesses, the meeting will be adjourned so that the other side has time to consider and respond to the new evidence.

3.13 The meeting shall allow for:

- The complainant to explain their complaint
- The Panel to question the complainant
- The headteacher to explain the school's response
- The Panel to question the headteacher and/or other members of staff about the school's response
- Any party to have the right to call witnesses (subject to the approval of the Chair)
- Final statements by both the complainant and the headteacher



At this stage it is generally more acceptable to see the headteacher and complainant separately

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3.14 The Chair of the Panel shall explain to all concerned that the Panel will now consider its decision, and a written decision shall be sent to both parties within 15 school days.

3.15 The Panel shall then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature should not happen again.

3.16 The written statement outlining the decision of the Panel shall be sent to the complainant, and include the reasons for the decision. The letter to the complainant shall explain whether a further appeal can be made, and if so, to whom.

3.17 The school shall ensure that a copy of all correspondence and notes are kept. These records shall be kept separately from the pupil's personal records.

Stage 4: Beyond the School

The complainant or Rowner Junior School can request the involvement of the Local Authority, regardless of who the complaint is made against (head teacher or otherwise). Rowner Junior School recognises that if the local authority becomes involved, then it would be to look at how the school has followed procedures but would not be part of any decision making.

4.1 The Local Authority has its own general complaints procedure by means of which complaints are initially handled. This general procedure is not, however, appropriate for those complaints made in respect of the internal affairs of Rowner Junior School which remain wholly the responsibility of the school's Governing Body. Such complaints shall be dealt with by the headteacher and the Governing Body of Rowner Junior School.

If no satisfactory outcome reached, then the complainant can appeal to Secretary of State.

4.2 The **Secretary of State for Education and Employment** can receive complaints under Section 496 of the Education Act, 1996, on the grounds that a Governing Body or Local Authority is acting or is proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the Local Authority has failed to discharge its duties under the said Act. The Secretary of State may contact the Governing Body or the Local Authority for more information in order to consider the complaint further.

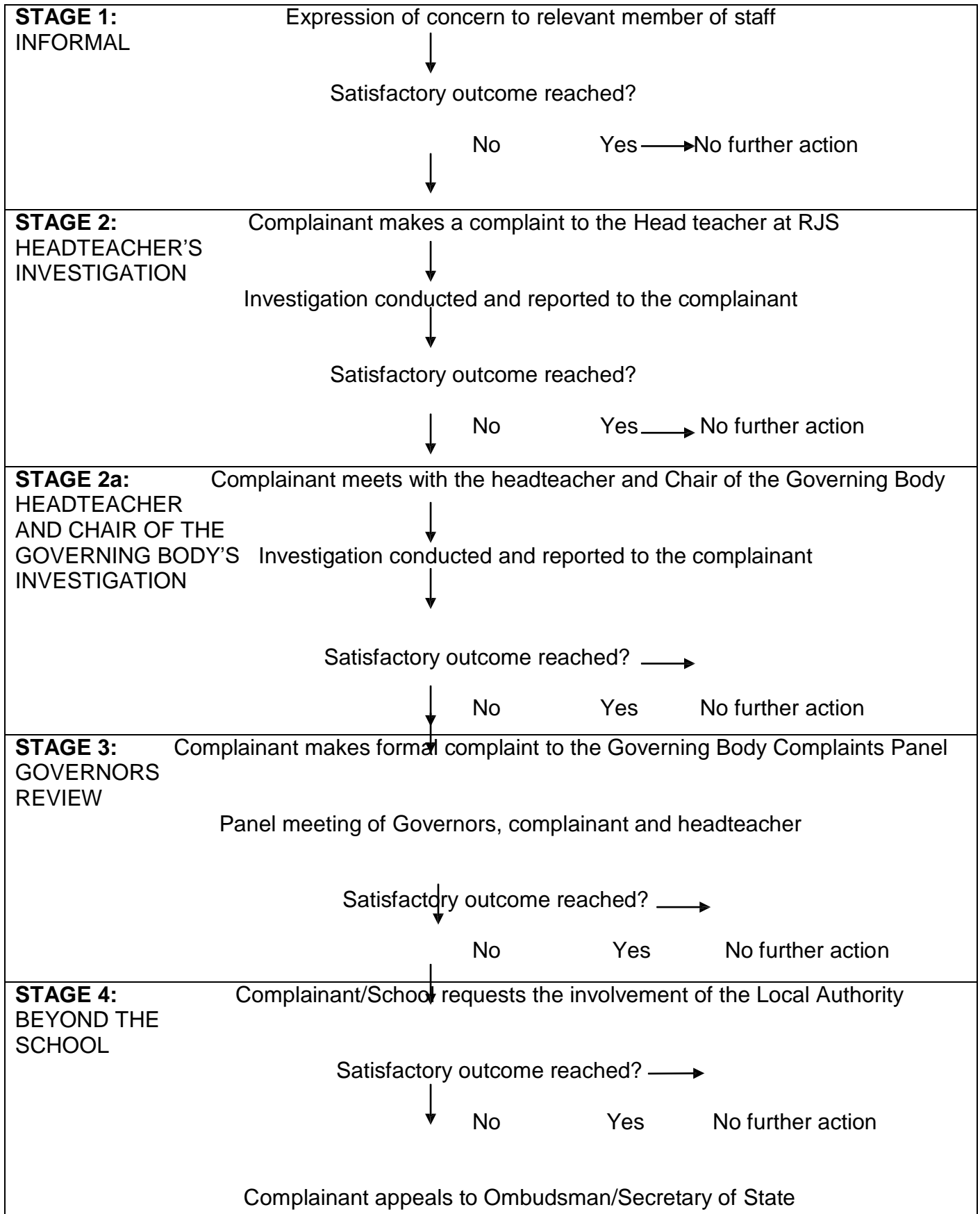
CONTACTS

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Rowner Junior School Appendix B Complaint about the Headteacher

