

## Maidwell Primary School

Draughton Road  
Maidwell  
Northamptonshire  
NN6 9JF

# Complaints Policy

History	Details
March 2017	New Policy

The Governing Body of Maidwell Primary School has formally adopted this policy. The Headteacher and the Governing Body will review it no later than two years from the date of signature below.

Last Review

March 2017

Next Review

March 2019

GB Approval  
Date

28.03.17

Signature  
Chair of Governors



## COMPLAINTS POLICY

**The Governors of Maidwell Primary School have adopted the following policy to deal with formal complaints from members of the school community or general public.**

### **I Complaint Resolution**

#### **I.1 Informal resolution**

It is in everyone's interest that complaints about our school are resolved at the earliest possible stage. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases the class teacher will receive the first approach, and it may be possible to resolve the matter at this stage, by offering a clear explanation, or in some cases accepting that a situation could have been handled better. In other cases an apology may be appropriate and sufficient. Therefore, if parents, pupils or members of the public have concerns they should firstly discuss their concerns (at the earliest opportunity) with the member of staff most directly involved.

Where a complaint is not resolved through discussion with staff the following formal procedure will be followed. Parents and others should direct complaints to the school rather than the Governing Body in the first instance. All formal complaints will be recorded and monitored by the school to identify issues and allow any lessons to be learned by the school.

#### **I.2 Stage 1**

The first stage is for the complainant to discuss their concerns with the Headteacher.

At this stage, and at subsequent stages in the procedure, the school will consider whether one or more of the following is appropriate and potentially sufficient:

- 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

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

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

#### **I.3 Stage 2 - Making a Complaint to the Governing Body**

Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write to the Chair of Governors or Clerk to the Governing Body at the school address. 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.

Within 5 working days the Chair of Governors will clarify the nature of the complaint by asking the complainant to complete a complaint form (Appendix 1) and will offer help in completing the form, if appropriate.

Within 5 working days of receiving the completed form, the Chair (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 necessary)
- 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 proceed if the complainant and the Headteacher are both willing for it to be tried. If mediation is not successful, the complaint will be considered by the governors' complaints panel.

#### **1.4 Mediation**

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 the complainant should be told the reason.

Mediation may elicit one or more of the responses listed 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 needs go no further
- a commitment to review school policies in light of the complaint

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 the complaint. The clerk will provide details of the hearing, and will request from the complainant any further information that they may wish to provide.

#### **1.5 Governors' Complaints Panel**

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.

The Governing Body should agree the composition of the complaints panel at the first meeting of the Governing Body each year. As governors may not be available at all times the Governing Body will seek to agree the names of 4 or 5 possible governors from whom a panel of three may be drawn. 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 etc. and the decision will be made by the Chair of Governors.

When the Clerk of Governors or Chair of Governors receives a copy of the complaint form 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.

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

Five working days before the hearing the clerk will send to 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).

1.5.1 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

It 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 necessarily 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

### 1.5.2 Format of a Panel Hearing

- Complainant and Headteacher will enter the room where the hearing is taking place together.
- The chair will introduce the panel members and the clerk and outline the process.
- The complainant is invited to explain the complaint,
- The Headteacher may question the complainant
- The panel will question the complainant
- The Headteacher is then invited to explain the school's actions
- The complainant may question the Headteacher
- The panel will question the Headteacher
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within five working days.
- Both parties leave together while the panel decides on the issues.
- The clerk will remain with the panel to clarify any issues

#### **Notes**

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. Both parties must leave the hearing room during the adjournment.

#### **Some notes on exceptional circumstances**

For the sake of clarity, the description above does not cover exceptional circumstances which might include:

1. The chair of governors may not be able to find three governors who have no detailed prior knowledge of the case
2. If a case has become a major talking point around the community, the chair can nominate three governors with minimal prior knowledge
3. 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.

Governor Services will be consulted in the first instance in the following situations:

1. Complaints about a junior member of staff. (It may be against the way the Headteacher handled a complaint against a junior member of staff)
2. In exceptional circumstances such as when the complaint is against the chair of governors – eg: for refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Headteacher' would be read as 'Chair of Governors'.

### **1.6 Writing the decision letter**

The clerk should ensure that s/he has clear wording stating the panel decision about each of the issues that the panel 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 clerk should ensure that the letter reaches the complainant and the Headteacher within 5 working days of the hearing.

### **1.7 Monitoring Complaints**

When individual complaints are heard, the school may identify issues that need to be addressed. Any discussion of complaints by the Governing Body or others in the school community should not name or be able to identify individuals.

The school's Governing Body has overall responsibility for the school and for ensuring the well-being of pupils and that all pupils receive an appropriate and high standard of education.

The Headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. A parent should contact the school if they are concerned about an issue such as:

- their child's academic progress
- special education needs provision
- a child's welfare
- bullying
- something that has happened in school

Parents cannot take their appeal further than the Governing Body. The Local Authority cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with a complaint. Ultimately if a parent feels that the school has acted unreasonably or not followed the correct procedures, they can write to:

*Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD*

If the Governing Body considers that it requires outside help in dealing with a complaint, they will contact Governor Services who offer a mediation service where a trained clerk, governor or adviser acts as mediator.

The mediation 'package' consists of the following elements:

- familiarisation with the background and nature of the complaint (including the reading of supporting documentation and interviews with the complainant, staff and governors as

- appropriate. These may be 'face to face' or by telephone)
- a mediation meeting between the complainant and a representative of the school
  - a written summary of the mediation meeting including, where appropriate, recommendations in relation to school policies, procedures and actions

Mediation will be undertaken by a trained clerk, governor or adviser not directly linked to the school in order to ensure complete impartiality.

