

Broomwood Primary School and Broomwood Pre-school Complaints Policy

Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England were required, under Section 29 of the Education Act 2002, summarised in Annex A, 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. The law also requires the procedure to be publicised. In July 2012, any duty of local authorities to consider complaints about the curriculum, sex education and religious worship in maintained schools was removed. The Local Government Ombudsman's (LGO) schools' complaints service also closed. From 1 August 2012, complaints about maintained schools that are not resolved by the school should be addressed to the Secretary of State for Education.

General Principles

Parents and Pupils of Broomwood Primary School and Pre-school will be encouraged to express their views on what goes on within school so that it receives an early warning of potential difficulties. Certain general underlying principles will be observed whenever concerns or complaints are raised.

1. Publicity

The complaints procedure will be easily accessible and publicised. New parents will be informed of the policy when their children join the school. Both parents and children will be reminded of the system at regular intervals.

2. Procedures

Procedures will always be consistent and fair and at each stage of the procedure there will be a known time limit.

3. Support for Complainant

Parents can receive advice, information and support from any member of the Governing Body should they require it. Parents raising concerns or complaints are invited to be accompanied by a friend at any stage of the procedure.

4. Support for a Person Complained Against

All parties will have the opportunity to put forward their case and will be kept informed of progress.

5. Confidentiality

All conversations and correspondence will be confidential and will at no time penalise the child. However, from the outset all parties to a complaint will need to be aware that some information will have to be shared with others

involved in the operation of the complaints procedure. It will be at the Headteachers/Governing Bodies discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

6. Redress

If the outcome of the complaint procedure show the school is at fault, the school will acknowledge in writing that the complaint is valid and will make every effort to redress the situation at an early stage. Should this not be possible then the complaint can be passed onto the secretary of state.

7. Staff Awareness and Training

School staff will receive training regarding the complaints procedure.

8. Record Keeping

Complaints will be monitored termly by the Senior Management Team and Governors. Records will be kept on an ongoing basis.

Governing Body Disciplinary Panel

Mrs Ann Ribbands/ Mrs Nadia Baig/Mrs Donna Vipond

Appeals Mrs Krys Rabin/ Ms Sam Maxwell/Mrs Joanne Bambrick

Approved by _____ **for the Governing Body**

Date _____

Reviewed _____

At Broomwood Primary School we will aim to resolve any complaints in the following ways:

When investigating complaints at any stage we will make sure that we:

1. establish what has happened so far, and who has been involved;
2. clarify the nature of the complaint and what remains unresolved;
3. meet with the complainant or contact them (if unsure or further information is necessary);
4. clarify what the complainant feels would put things right;
5. interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
6. conduct the interview with an open mind and be prepared to persist in the questioning;
7. keep notes of the interview

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

1. an apology;
2. an explanation;
3. an admission that the situation could have been handled differently or better;
4. an assurance that the event complained of will not recur;
5. an explanation of the steps that have been taken to ensure that it will not happen again;
6. an undertaking to review school policies in light of the complaint.

At Broomwood Primary there are three stages to our school based complaints procedure. We will record each stage of the complaint on a complaints form- see appendix A

Stage 1: Informal

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 school secretary or headteacher, depending on whom the parent first approached. Parents must feel able to raise concerns with members of staff without any formality.

A model procedure for school to use at Stage 1

- 1 Parents have an opportunity for discussion of their concerns with the appropriate member of staff who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.
- 2 If the member of staff first contacted cannot immediately deal with the matter a clear note is made of the complainant's name, address/phone number together with the date.
- 3 Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. He/she will check later to make sure that the referral has been successful.
- 4 In smaller schools or on certain major issues, the Headteacher may decide to deal with concerns directly at this stage.
- 5 If the concern relates to the Headteacher, the parent is advised to contact the Chair of the Governing Body.
- 6 The staff member dealing with the concern makes sure that the parent 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.
- 7 Where no satisfactory solution has been found within 10 days, parents are asked if they wish their concern to be considered further. If so they are given clear information about how to proceed and about any independent advice that may be available to them.

Stage 2: Referral to the Headteacher (or designate) for investigation

At this stage it has become clear that the concern is a definite complaint. In some cases, the Headteacher has already been involved in looking at the matter; in others it is his/her first involvement.

As headteachers have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of a complaints system, including the decisions about their 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.

A model procedure for school to use at Stage 2

- 1 The Headteacher acknowledges the complaint orally or in writing with 2 working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be written within 10 working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.

- 2 The Headteacher provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is made clear to the complainant that if he/she wishes he/she may be accompanied to any meeting by a friend who can speak on his or her behalf.
- 3 If necessary, the Headteacher should interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/carers present. In some situations circumstances may prevent this. If so, another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against the needs of the person should be borne in mind.
- 4 The Headteacher keeps written records, telephone conversations, and other documentation.
- 5 Once all the relevant facts have been established, the Headteacher should then produce a written response to the complainant, or any wish to meet the complainant to discuss/resolve the matter directly.
- 6 A written response includes a full explanation of the decision and the reasons for it. Where appropriate this includes what action the school will take to resolve the complaint. The complainant is advised that should he/she wish to take the complaint further he/she should notify the Chair of the Governing Body within five weeks of receiving the outcome letter.
- 7 If a complaint is against the action of a headteacher, or if the headteacher has been very closely involved at Stage 1, the Chair of the Governing Body should carry out all the Stage 2 procedure.

Stage 3: Review by the Governing Body

See Appendix B for the remit of the complaints appeal panel

Complaints only rarely reach this formal level, but it is important that the Governing Body is prepared to deal with them when necessary.

It is important that this review is not only independent and impartial but that it is seen as being so. If an individual Governor is approached with a complaint the complainant should be referred directly to the Headteacher. The Governor should not normally become involved in the complaints procedure. If an individual Governor decides to take up a complaint on behalf of an individual or a group, he/she should not take any part in the formal hearing of the complaint.

Complaints should not be raised at full meetings of the Governing Body and should not be reported to the Governing Body until resolved by the appropriate panel and then not in detail.

Parents inevitably see many complaints as being 'against' a particular member of staff. However, complaints reaching this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure. It may be appropriate for the Governing Body to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

A model procedure for review by the Governing Body

- 1 Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed.
- 2 The clerk to the Governing Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by a panel of three members of the school's Governing Body within 20 working 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 panel members.
- 3 The clerk should arrange to convene a Complaints Panel elected from members of the Governing Body. It may be necessary for the Governing Body to appoint reserves to this Panel to ensure that three Governors are available to carry out their task within the set time.
- 4 The Panel members should be Governors who have had no prior involvement with the complaint. Governors will want to be sensitive to issues of race, gender and religious affiliation. A Chair should be elected.
- 5 The Chair of the Panel will ensure that the complaint is heard by the Panel within 20 working days of receiving the letter in 3.2. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to Panel members.
- 6 The Chair of the Panel will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel at least 5 working days in advance of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
- 7 The Chair of the Panel should invite the Headteacher to attend the Panel meeting and to prepare a written report for the Panel in response to the complainant. 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. Any relevant documents including the Headteacher's report should be received by all concerned – including the complainant – at least 5 working days prior to the meeting.
- 8 The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.
- 9 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.
- 10 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish the facts and make recommendations that will satisfy the complainant that his/her complaint has at least been taken seriously.

- 11 The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.
- 12 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 13 The meeting should allow for:
 - The complainant to explain their complaint and the Headteacher to explain the school's response;
 - The Headteacher to question the complainant about the complaint;
 - The complainant to question the Headteacher and/or other members of staff about the school's response;
 - Panel members to have an opportunity to question both the complainant and the Headteacher;
 - Either party to have the right to call witnesses (subject to the approval of the Chair of the Panel) and to have the right to question witnesses;
 - Final statements by both the complainant and the Headteacher.
- 14 The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider the evidence presented, and a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.
- 15 The Panel will then consider the complaint and all the evidence presented and:
 - Reach a unanimous, or at least a majority, decision on the complaint;
 - Decide upon the appropriate action to be taken to resolve the complaint and, where appropriate;
 - Recommend changes to the school's systems or procedures to ensure that the problems of a similar nature do not happen again.
- 16 A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should explain how a further appeal can be made, and if so, to whom.
- 17 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Stage 4: Beyond the Governing Body

4.1 The Secretary of State

Complaints can be taken to the Secretary of State for Education and Employment under section 496 of the Education Act 1996 on the grounds that a Governing Body is acting or proposing to act unreasonably, or under section 497 of the same Act, on the grounds that either the Governing Body has failed to discharge its duties under the Act. The Secretary or State may contact the

Governing Body for more information in order to consider the complaint.
These powers relate to both community and voluntary schools.

Pre-School Procedure:

For any concerns or complaints about Broomwood pre-school we would ask that parents initially go through the three stage school based complaints procedure. If a child appears to be at risk, our school follows the procedures of the Local safeguarding children board. However, as a parent of a child in pre-school, you may approach Ofsted directly at any point.

OFSTED
Royal Exchange Buildings
St Anns Square
Manchester
M27LA

08456404040

These details are displayed on the notice board in pre-school.

Appendix A

Complaint Form:

Your name:

Pupil's name:

Your relationship to the pupil:

Please give details of your complaint.

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

What actions do you feel might resolve the problem at this stage?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix B

The Remit of The Complaints Appeal Panel

The 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 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 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

The Department strongly recommends that any panel or group of governors considering complaints be clerked. 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 fact 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 is usually within a set deadline which is publicised in the procedure. The letter needs to explain if

there are any further rights of appeal and, if so, to whom they need to be addressed.