

# Guidance on School Complaints Procedures

## Introduction

The Education Act 2002 requires all maintained schools and maintained nursery schools to have a procedure for dealing with complaints relating to the school, that are not covered by other statutory complaints procedures. The school's complaints procedures must also cover complaints relating to any community facilities or extended services that the school provides. Schools are therefore advised to ensure that all users of their premises have their own complaints procedures.

In 2000 the Local Authority offered governing bodies "Model Procedures for the Handling of Complaints in Schools". Most Lancashire governing bodies adopted those procedures. They have now been revised to take account of the:

- Education Act 2002 and the requirement for governing bodies to have complaints procedures that also cover complaints relating to community facilities and extended services provided by the school;
- Every Child Matters agenda and the Children Act 2004 that gives the Local Authority the role of Champion of children, young people and families;
- Education and Inspections Act 2006, and the ability of parents to take certain unresolved complaints to Ofsted; and
- experience of schools and the Local Authority in applying the 2000 Complaints Procedures.

These revised Model Procedures, which governing bodies may adopt as they stand, adding their own school references, or modify, are included at the beginning of this booklet. They are supported by additional material that may be of use to schools and governing bodies. This material forms the appendices to this document.

In short all governing bodies must have a school complaints procedure, which must be available to parents and others. In addition they should maintain a register of complaints and establish a complaints appeals committee, whose terms of reference and membership are reviewed annually. Governing bodies need to formally adopt new complaints procedures.

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**WHITEGATE NURSERY SCHOOL  
& Early Years Care**

**PROCEDURES FOR THE HANDLING OF COMPLAINTS IN SCHOOLS  
REVISED 2007**

**1. Introduction and scope**

The policy of the School is to work in partnership with parents and the wider community. It is based on the belief that co-operation and a sense of joint purpose between staff, parents and the School will assist in ensuring open and positive relationships. From time to time, however, parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of the School, the conduct of the Headteacher, an individual member of staff, the Governing Body or an individual governor. The School will always give serious consideration to concerns and complaints that are brought to its attention. However, anonymous complaints will not normally be considered. In considering concerns or complaints, the School will ensure that they are dealt with effectively and with fairness to all parties. Where possible complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out in section "5(ii)" below will be followed.

**2. Information for complainants**

A leaflet, outlining the complaints procedures, is available from the School.

A full copy of the complaints procedures can be found on the School website

**3. What is a concern or complaint?**

- (a) A concern or complaint is defined as an expression of dissatisfaction about the conduct/operation of the School, the conduct of, actions or lack of actions by a member of staff/the Governing Body/an individual governor, unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.
- (b) Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply.
- Child Protection
  - Freedom of Information Access
  - Functions of the County Council
  - National Curriculum
  - Pupil Exclusions
  - School Admissions
  - Services provided by other organisations on the school site or through the school\*
  - Sex Education

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\* Schools should ensure that all organisations using the school premises have their own complaints procedures.

- Staff grievance
  - Special Educational Needs assessment and statementing procedure
  - Whistleblowing by an employee
- (c) Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures. (See Section 11)

#### 4. Making a complaint - who to complain to:

If the complaint is about:

- something that has happened or failed to happen in School, contact the Headteacher or something that has happened or failed to happen in the daycare provision , contact the Daycare manager
- the actions of the Headteacher, contact the Chair of Governors via the School; The actions of the daycare manager contact the Headteacher or a member of the EYC management committee
- the actions of a governor, contact the Chair of Governors via the School;
- the Chair of Governors, contact the Clerk to Governors via the School\* ;
- the actions of the governing body, contact the Clerk to Governors via the School\*.

The School / Centre would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and an appeal stage if matters cannot be resolved.

The School / Centre is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 20 school days. From time to time, it may not be possible to complete the process in that timescale. Where that is not possible the complainant will be informed of any delays.

Where complaints are made against an individual member of the School staff, that person will be informed of the complaint at the earliest opportunity.

#### 5. The Complaints Procedures

##### (i) Informal stage

The School / Centre will seek to resolve concerns and complaints informally with the member of staff or governor concerned and encourage the complainant to discuss with them the matters causing them concern. However, if that does not resolve the problem then the matter should formally be brought to the attention of the Headteacher

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\* alternatively this may read (Lancashire County Council's Governor Services Team will point you in the right direction)

(complaints and concerns about governors should be made to the Chair of Governors).

The Headteacher / Daycare manager (or Chair of Governors) will then seek to resolve the matter informally and will:

- acknowledge the complaint;
- make enquiries to establish the facts;
- seek advice as appropriate;
- attempt to resolve the matter informally;
- establish whether or not the complainant is satisfied;
- advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint;
- make a brief note of the complaint and the outcome.

This stage would normally be expected to be completed in 20 school days. A complainant wishing to proceed to the formal stage of the procedure should normally notify the Headteacher/Chair of Governors within 20 school days of being notified of the outcome of the informal stage.

The informal stage will not be used if the allegations made refer to:

- criminal activity which may require the involvement of the police
- financial or accounting irregularities
- abuse of children.

## **(ii) Formal stage**

Where an informal complaint has not been resolved to the satisfaction of the complainant or the complainant has indicated they wish to go straight to the formal stage the Headteacher (or Chair of Governors as appropriate) will:

- ensure the complainant is aware of the procedures;
- require a written record of the complaint (someone else may write this on behalf of the complainant);
- formally acknowledge the complaint;
- seek advice as appropriate;
- if the complaint concerns a member of staff (or governor) inform them and provide them with a copy of the complaint;
- arrange for a full investigation of the complaint;
- prepare a report as a result of the investigation and consider actions to be taken;
- advise the complainant of the outcome. Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised, in writing. They should also be informed of their right to appeal to the Complaints Appeals Committee within 20 school days;
- make a record of the complaint and its outcome, this should be retained for School records.

This stage would normally be expected to take no more than 20 school working days. The Governing Body should be informed in general terms of all formal complaints.

### **(iii) Appeals stage**

The Complaints Appeals Committee of the Governing Body will consider complaints where the Headteacher (or Chair of Governors) has not been able to resolve the complaint to the satisfaction of the complainant and the complainant wishes to appeal. Any appeal must be made in writing to the Clerk to the Governing Body (the School will advise the complainant of the contact details). The Committee will be convened by the Clerk to the Complaints Appeals Committee (Governing Body) and will:

- consider the written materials;
- consider the complaint and the Headteacher's (or Chair's) action;
- invite the Headteacher or Chair of Governors (as appropriate) and the complainant to the meeting;
- seek advice and support as necessary.

At the end of their consideration the Committee will:

- determine whether to dismiss or uphold the appeal in whole or part, including, if appropriate, referring the matter back to the Headteacher/Chair of Governors for further consideration;
- where upheld, decide on appropriate action;
- advise the complainant and Headteacher of their decision;
- advise the complainant of any further action they may wish to take if they remain dissatisfied.

The Clerk to the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the decision of the Complaints Appeals Committee and for the matter to be reported to the Governing Body.

This stage would normally be expected to take no more than 20 school days.

In cases where the matter has been referred back for further consideration the Complaints Appeals Committee will be reconvened.

### **(iv) Further stages**

These procedures do **not** include a further appeal to the Local Authority and in the case of Church Schools the Diocesan/Church Authority, but complainants who remain unsatisfied with the outcome may refer the complaint to the Secretary of State for Education and Skills. Following the Education and Inspections Act 2002 parents may take certain unresolved complaints to Her Majesty's Chief Inspector of Schools.

## **6. Withdrawal of a complaint**

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

## **7. Complaints about a governor, the Chair of Governors or the Governing Body**

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant. In dealing with this matter the Chair should seek advice from the Local Authority's Governor Services Team or Diocesan/Church Authority Officer.

Any appeal against the Chair's response would be dealt with by the Complaints Appeals Committee.

Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be considered by the Complaints Appeals Committee of the Governing Body. Clerks to Governors should seek advice from the Local Authority's Governor Services Manager or their Diocesan/Church Authority Officer. Governor Services or the Diocesan/Church Authority may be able to assist with any investigation.

## **8. The role of the Local Authority (LA) or Diocesan/Church Authority**

The Local Authority or, in the case of church schools, the Diocesan Church Authority's role is prescribed by legislation.

In responding to complaints about schools the LA will explain to the complainant:

- that schools are self managing and are responsible for administering procedures that deal with complaints made against them;
- the appropriate procedures for their complaint and refer them to the Headteacher, Chair of Governors or Clerk as appropriate; and
- source of potential assistance, if appropriate.

## **9. Next stages**

Anyone can complain to the Secretary of State for Education and Skills if he or she believes the governing body is acting "unreasonably" or is failing to carry out its statutory duties. However, intervention can only occur if the governing body or the LA has failed to carry out a legal duty or has acted "unreasonably" in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State for Education and Skills could instruct either party to do to put matters right.

The Education and Inspections Act 2002 allows a parent who remains unsatisfied with the outcome of certain complaints to refer the matter to Ofsted.

## 10. Complaints Record

The School will maintain a written record of all formal complaints, how they were dealt with and the outcome in a complaints register.

## 11. Serious allegations or complaints

If the allegations refer to criminal activity which may require the involvement of the Police, the Headteacher should inform the Chair of Governors and seek the advice of the County Council.

If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Headteacher should inform the Chair of Governors and seek the advice of the Senior HR Officer and/or Resources Directorate so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities. The Scheme for Financing Schools requires Resources Directorate to be notified immediately of all such irregularities.

If the allegations relate to the abuse of children, the Headteacher should seek the advice of the Senior HR Officer and/or the Director of Resources and/or other agencies such as Children's Social Care. Serious allegations of this nature **must** be referred under Child Protection Procedures to Children's Social Care. Reference should also be made to the separate procedure "Staff Facing Allegations of Physical/Sexual Abuse".

In all the above, consideration needs to be given to the possible suspension<sup>\*</sup> from duty, on full pay, of any member of staff concerned in accordance with the School's Disciplinary and Dismissal Procedure. Investigations at school level and the stages set out in this procedure are unlikely to proceed where external agencies are involved. Subsequently, an internal school investigation and other procedures (eg Disciplinary) may be involved.

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\* **Note:** Suspension is a neutral act and is not a disciplinary sanction



**Do you have a**

**Complaint?**



## Introduction

From time to time parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of the School or Centre, the conduct of the Headteacher, an individual member of staff, the Governing Body or an individual governor. The School / Centre will always give serious consideration to concerns and complaints that are brought to its attention. However, anonymous complaints will not normally be considered. In considering concerns or complaints, the School will ensure that they are dealt with effectively and with fairness to all parties.

In dealing with your complaint:

- we will deal with your complaint honestly and politely and in confidence;
- it will be looked into thoroughly, fairly and as quickly as possible;
- we will keep you up-to-date with what we are doing;
- we will apologise if we make a mistake; and
- we will tell you what we are doing to put things right.

This leaflet provides an overview of the Centre's complaints process.

The full complaints procedure can be obtained from the School Website or the main office

## **What is a concern or complaint?**

A concern or complaint is defined as an expression of dissatisfaction about the conduct/operation of the School / Centre, the conduct of, actions or lack of actions by a member of staff/ the Governing Body/an individual governor, unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.

Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply.

- Child Protection
- Freedom of Information Access
- Functions of the County Council
- National Curriculum
- Pupil Exclusions
- School Admissions
- Services provided by other organisations on the school site or through the School\*
- Sex Education
- Staff grievance
- Special Educational Needs assessment and statementing procedure
- Whistle blowing by an employee

Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures.

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\* Schools should ensure that all organisations using the school premises have their own complaints procedures

## Making complaints

If you have a concern about anything we do you can tell us by telephone, in person or in writing. Most concerns or complaints will be sorted out quickly either by putting things right or by explaining the School's actions to you. Try to go to the member of staff involved who will either deal with your issue or pass you onto someone else who is more able to help.

If you have already told us about a concern but are not satisfied with how we have responded, you may wish to make a complaint.

If the complaint is about:

- something that has happened or failed to happen in School or the Centre – contact the Headteacher. ( EYC contact the daycare manager)
- the actions of the Headteacher – contact the Chair of Governors via the School;
- the actions of a governor - contact the Chair of Governors via the School;
- the Chair of Governors – contact the Clerk to Governors via the School\*;
- the actions of the Governing Body - contact the Clerk to Governors via the School\*.

The School, as required by law, has a complaints procedure which will be followed in all cases. An outline of that procedure is included in this leaflet. A copy will be provided, if you make a request to: the Headteacher or the Chair of Governors

The School and Governing Body would, in most cases, hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and an appeal stage if matters cannot be resolved.

The School / Centre is committed to dealing with complaints as speedily as possible and would plan to complete each stage in 20 school days. From time to time, it may not be possible to complete the process in that timescale. Where that is not possible you will be informed of any delays in responding.

Where complaints are made against individual school staff, that person will be informed of the complaint at the earliest opportunity.

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\* Alternatively this may read (Lancashire County Council's Governor Services Team will point you in the right direction)

## **The Complaints Procedures**

### **Informal stage**

The School / Centre hopes that concerns and complaints can be resolved informally with the member of staff or governor concerned and encourages the complainant to discuss the matters causing them concern. However, if that does not resolve the problem then the matter should be brought to the attention of the Headteacher (Complaints and concerns about governors should be made to the Chair of Governors).

The Headteacher (Chair of Governors) will then seek to resolve the matter informally and will:

- acknowledge the complaint;
- make enquiries to establish the facts;
- seek advice as appropriate;
- attempt to resolve the matter informally;
- establish whether or not the complainant is satisfied;
- advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint; and
- make a brief note of the complaint and the outcome.

This stage would normally be expected to be completed in 20 school days. Where the complaint has not been resolved to the satisfaction of the complainant the Headteacher (or Chair of Governors as appropriate) should be informed within 20 school days that the complainant wishes to proceed to the formal stage.

The informal stage will not be used if the allegations made refer to:

- criminal activity which may require the involvement of the police;
- financial or accounting irregularities; or
- abuse of children.

## Formal Stage

Where an informal complaint has not been resolved to the satisfaction of the complainant or the complainant has indicated they wish to go straight to the formal stage, the Headteacher (or Chair of Governors as appropriate) will:

- ensure the complainant is aware of the procedures;
- require a written record of the complaint (someone else may write this on behalf of the complainant);
- formally acknowledge the complaint;
- seek advice as appropriate;
- if the complaint concerns a member of staff (governor) inform them and provide them with a copy of the complaint;
- arrange for a full investigation of the complaint;
- prepare a report as a result of the investigation and consider actions to be taken;
- advise the complainant of the outcome. Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised in writing. They should also be informed of their right to appeal to the Complaints Appeals Committee within 20 school days; and
- make a record of the complaint and its outcomes, this should be retained for school records.

This stage would normally be expected to take no more than 20 school days. The Governing Body should be informed in general terms of all formal complaints.

## Appeals stage

The Complaints Appeals Committee of the Governing Body will consider complaints where the Headteacher (or Chair of Governors) has not been able to resolve the complaint to the satisfaction of the complainant and the complainant wishes to appeal. Any appeal must be made in writing to the Clerk to the Governing Body (the school will advise the complainant of the contact details). The Committee will be convened by the Clerk to the Complaints Appeals Committee (Governing Body) and will:

- consider the written materials;
- consider the complaint and the Headteacher's (Chair's) action; and
- seek advice and support as necessary.

At the end of their consideration the Committee will:

- determine whether to dismiss or uphold the appeal in whole or part;
- where upheld, decide on appropriate action;
- advise the complainant and Headteacher of their decision; and
- advise the complainant of any further action they may wish to take if they remain dissatisfied.

The Clerk to the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the Complaints Appeals Committee action and for the matter to be reported to the Governing Body.

This stage would normally be expected to take no more than 20 school days.



**Further stages**

The complaints procedure does **not** include a further appeal to the Local Authority and in the case of Church Schools, the Diocesan/Church Authority, but complainants who remain unsatisfied with the outcome may refer the complaint to the Secretary of State for Education and Skills. Parents may refer certain complaints to Her Majesty's Chief Inspector of Schools.

**Withdrawal of a complaint**

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

## **The Role of the Local Authority (LA)**

The Local Authority or, in the case of Church Schools, the Diocesan/Church Authority's role is prescribed by legislation.

In responding to complaints about schools, the LA will explain to the complainant:

- that schools are self-managing and are responsible for administering procedures that deal with complaints made against them;
- the procedures and refer them to the Headteacher, Chair of Governors or clerk as appropriate;
- signpost the complainant to potential assistance, if appropriate.

**COMPLAINT FORM**

**Please complete and return to ..... who will explain what action will be taken.**

Your name:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

E-mail address:

Pupil's name:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint?

What actions do you feel might resolve the 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:

Complaint referred to:

Date:



## LISTENING TO YOUR CONCERNS AND RESPONDING TO YOUR COMPLAINTS

(This could form the basis of part of the School's prospectus or brochure)

### We care about what you think

At school we make many decisions every day. We try hard to do our best for all our pupils. Your views help us plan for the future. We like to know when things are going well. We also want parents to tell us about their worries, concerns or complaints as soon as possible. It is much easier for us to sort out a recent problem than something that happened some time ago.

If you are unhappy with the way your child is being treated, or any of our actions or lack of action, please feel able to tell us your concern. We know it can be difficult to question what a school is doing, but if you do not tell us what is worrying you, we cannot explain our actions or put things right. Our support and respect for you and your child will not lessen in any way.

### Our promise to you

- We will deal with your concern or complaint honestly and politely.
- It will be looked into thoroughly, fairly and as quickly as possible.
- We will keep you up-to-date with what we are doing.
- We will apologise if we have made a mistake.
- We will tell you what we are going to do to put things right.

### What to do first

If you have a concern about anything we do you can tell us by telephone, in person or in writing. If any of these are difficult for you, a friend or adviser can speak to us on your behalf. Most concerns or complaints will be sorted out quickly either by putting things right or by explaining the School's actions to you.

Try to go to the member of staff involved or your child's class teacher (*primary*)/your child's form tutor or head of year (*secondary*) who will either deal with your issue or pass you on to someone who is more able to help.

Please remember the beginning or end of the school day can be a very busy time. If you talk to a teacher at these times, for practical reasons, it may not be possible to sort things out there and then. Be ready for the teacher to say she or he will see you or ring you as soon as possible. This is because we want to give your worries the attention they deserve. You should not be asked to wait more than a week and often she or he will discuss things with you much sooner. We hope this will be enough to put things right.

Sometimes the teacher will send you a brief note after the phone call or meeting with details of what we are doing about your concern.

## **Making a complaint**

If you have already told us about a concern but are not satisfied with how we have responded, you may wish to make a complaint.

We have a complaints procedure to make sure we respond to complaints in the best possible way. Our aim is to resolve complaints as quickly and as effectively as possible.

The complaints procedure will tell you exactly what will happen and how long it should all take. If you want to look at it before speaking to us please contact the School office who will be happy to give you a copy.

The procedure has three stages. We have time limits in our complaints procedure to make sure that complaints are dealt with as quickly as possible.

The first stage is an informal stage. At this stage, we would like you to put your complaint first to the member of staff involved. If this is not possible, please go to a more senior member of staff or the Headteacher. S/he will either meet you or, if you prefer, discuss your complaint on the phone.

If your concern involves the Headteacher, you should put your complaint to the Chair of Governors via the School.

We hope very much that your complaint will be resolved at this informal stage, but if you are still not satisfied, you can complain formally to *(name of Headteacher)*. Please try to do this not more than 20 school days after getting a note explaining the teacher's response to your complaint. If we have not heard from you by then, we will assume that you do not want to take things any further. If the Headteacher has already been involved you can complain formally to the Chair of Governors.

At the formal stage, the Headteacher (or Chair of Governors, if appropriate) will fully investigate if necessary and arrange to discuss your complaint with you, and then send you a letter with an explanation of the actions the School will take.

Generally complaints are sorted out at the informal or formal stages, but occasionally complainants still feel dissatisfied and if so have a right to appeal against the outcome of the formal stage to the Complaints Appeals Committee of the Governing Body.

If you are not happy with the outcome of the formal stage you must let us know not more than 20 school days after getting a letter from the Headteacher explaining the school's response to your complaint, that you wish to go to the next Stage. If the Clerk of Governors has not heard from you by then, we will assume that you do not want to take things any further.

Arrangements for a meeting of the Complaints Appeals Committee will be made by the Clerk to Governors.

We hope very much that our complaints procedure will resolve all complaints in the School but a parent who is not satisfied may refer certain complaints to Ofsted. Any

complainant who is not satisfied with the outcome of the Complaints Appeals Committee's consideration may take the complaint to the Secretary of State for Education and Skills.

We keep copies of all correspondence about concerns and complaints. These will be treated with the utmost confidence. You and your child have a legal right to have a copy of your child's school records.

All complaints are reported in general terms to the School's Governing Body to enable the School to learn from them.

## **The Complaints Appeals Committee of the Governing Body**

The Governing Body is required by the Education Act 2002 to have a complaints procedure relating to the School and its provision of services and facilities and to publicise those procedures. These procedures cover all complaints not covered by other statutory complaints procedures.

The Governing Body must also establish a Complaints Appeals Committee. The committee terms of reference, membership and clerking arrangements are established by the whole Governing Body.

### **Suggested Terms of Reference for a Governing Body Complaints Appeals Committee**

*The use of italics indicates where, if adopting these terms of reference, the Governing Body may wish to make an alteration.*

#### **1. Membership**

The Committee will consist of *between three and five* governors. Neither the Headteacher nor the Chairman of Governors will be member of the Committee as they may have been involved in the matter under consideration at an early stage.

The Chairman of the Committee will be elected by the Committee.

Committee members must be impartial and have no prior involvement with the complaint or circumstances surrounding it.

(Membership of the Complaints Appeals Committee may preclude a governor from membership of other committees see table A.)

#### **2. Quorum**

The quorum shall be three governors.

#### **3. Meetings**

Meetings will be held when required to consider formal appeals made under the Procedures for Handling Complaints in Whitegate Nursery School.

#### **4. Function**

Wherever possible the Governing Body would wish to see complaints resolved at an informal stage but:

- (a) The main function of the Committee will be to undertake the duties of the Governing Body in the consideration of complaints made under the Procedures for Handling Complaints in Whitegate Nursery School.



- (b) Complaints covered by statutory procedures will not be considered by this Committee.
- (c) The Committee will seek advice from the Senior Area Human Resources or the Governor Services Manager, or in the case of a Voluntary Aided School, the Diocesan/Church Authority Education Officer, as appropriate.
- (d) In considering the complaint the Complaints Appeals Committee will:
  - consider the written materials;
  - consider the complaint and the Headteacher's (or Chair's) action;
  - invite the Headteacher or Chair of Governors (as appropriate) and the complainant to the meeting; and
  - seek advice and support as necessary;

At the end of their consideration, the Committee will decide whether to:

- determine whether to dismiss or uphold the appeal in whole or part;
- where the complaint is upheld, decide on appropriate action;
- advise the complainant and Headteacher (Chair) of its decision;
- advise the complainant of any further action they may wish to take if they remain dissatisfied; and
- arrange for amendments to be made to the School's Complaints Register and for the matter to be reported, in general terms, to the Governing Body.

### **The Chair of the Committee**

The Chair of the Committee has a key role, ensuring that:

- the remit of the Committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- key 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 rules of natural justice are followed;
- the complainant is notified of the panel's decision, in writing with details of any further rights of appeal; and
- the Governing Body are notified of any changes to procedure or reviews of policy recommended by the Committee.

**Complaints Appeals Committee Meeting – suggested procedure**

- Whilst the meeting of the Complaints Appeals Committee is a formal meeting its conduct should be as informal as possible.
- The Complaints Appeals Committee meeting will be convened by the Clerk to the Committee at a date, time and venue convenient to all parties.
- The Clerk to the Committee will distribute the Headteacher's/Chair of Governors' Report to the Committee at least 7 days in advance of the meeting.
- The complainant and Headteacher/Chair of Governors may each be accompanied by a representative or friend.
- In the case of a complaint against a member of staff, the member of staff against whom the complaint was made and/or his representative or friend will be entitled to attend the Complaints Appeals Committee meeting.
- The complainant and the Headteacher/Chair of Governors may request witnesses to be called to provide evidence. Witnesses may be allowed at the discretion of the Committee and will only attend for the part of the meeting in which they give evidence.
- The Chair of the Committee is responsible for the conduct of the meeting.
- After introductions, the complainant is invited to present their case and any supporting documents to the committee. If appropriate, the complainant's witnesses will be heard at this point.
- The Headteacher/Chair of Governors will be entitled to question the complainant and any witnesses.
- The Headteacher/Chair of Governors will present his/her report on the investigation to the Committee, together with any supporting documents and any actions taken to resolve the complaint.
- The complainant or his/her representative will be entitled to question the Headteacher and any witness.
- The Committee may ask questions at any point.
- Any reasonable request for an adjournment should be allowed at the discretion of the Chair.
- The complainant is then invited to sum up their complaint.
- The Headteacher/Chair of Governors is then invited to sum up the School's response to the complaint.
- The Chair explains the arrangements for notifying both parties of the outcome of the meeting.

- Both parties then leave the meeting to allow the Committee to reach a decision.

**Table A: Membership of Complaints Appeals Committee and other Committees**

Because the business/decision of one committee may lead into consideration by another committee, membership of some committees must not overlap. The shaded blocks below indicate where membership must not overlap with the committee in Column 1.

Column 1	Staff Discipline/ Dismissal	Staff Discipline/ Dismissal Appeals	Complaints Appeals	Grievance	Pay
Staff Discipline/ Dismissal					
Staff Discipline/ Dismissal Appeals					
Complaints Appeals					
Grievance					
Pay					

## THE ROLE OF THE CLERK TO THE GOVERNING BODY AND THE CLERK TO THE COMPLAINTS APPEALS COMMITTEE

The Clerk to the Governing Body or the Clerk to the Complaints Appeals Committee is appointed by the Governing Body to provide:

- administrative support for the meeting, including convening it;
- record keeping for the meeting and minutes of the meeting; and
- procedural advice and guidance.

The role and responsibilities of the Complaints Appeals Committee Clerk are therefore to:

- ensure that the Governing Body has adopted a Complaints Procedure for the school;
- ensure that the Governing Body has appointed governors to the Complaints Appeal Committee and that those governors understand the policy and procedures and their role;
- maintain current membership and contact details for the Committee;
- ensure that the Complaints Appeals Committee has agreed terms of reference;
- advise complainants, the Chair of Governors and Headteachers on the appropriate action to be taken when notified of a complaint;
- advise the Chair of Governors and Complaints Appeal Committee members of appropriate sources of support;
- act in accordance with the procedures;
- convene and produce a record of the meeting of the Complaints Appeals Committee;
- offer procedural advice at the meeting; and
- following the instructions of the Committee, take the necessary action:
  - notify the complainant in writing of the outcome of the meeting and the next stage of the process should they wish to pursue the matter further;
  - advise the Headteacher (Chair) of the outcome and of any further action to be taken;

- complete the Complaints Appeals Committee meeting minutes and arrange for the Governing Body to be notified in general terms of the complaint and of any further action to be taken; and
- arrange for the School's Complaints Register to be updated.

## Investigating a Complaint - Procedures

**Note:** The general principles within this procedure can be used for any investigation.

### 1. Context

The Headteacher or Chair of Governors, as appropriate will:

- follow the Governing Body's agreed procedures;
- if the complaint is against the Headteacher, the Chair of Governors should seek advice from either the Senior Area Human Resources Officer or Diocesan Officer, as appropriate;
- keep the member of staff informed;
- arrange for a full investigation of the complaint and prepare a report on the investigation;
- advise the complainant of the outcome and of the next stage if they remain dissatisfied;
- consider any further action; and
- inform the member of staff in writing of any subsequent action he/she intends to take.

### 2. Introduction

The investigation should be started as soon as possible after the receipt of the complaint and normally be completed within 20 school days.

- 2.1 An investigation is a fact-finding exercise with the aim of obtaining, as far as possible, a fair and balanced picture through a written record. The aim is not to prove or disprove a complaint.
- 2.2 Undertakings of confidentiality should not be given to either a person making a complaint or to those interviewed. Evidence compiled in the investigation may be made available to the parties in any subsequent hearing and those giving evidence in the investigation should be so informed.
- 2.3 At this stage, in addition to the written complaint, the complainant will need to be interviewed as part of the investigation. **If it becomes clear during the investigation that the issues are serious (as defined in Section 3(c) of the procedure), he/she should make a referral, as appropriate to Children's Social Care Group, Resources Directorate, or the Police. In such cases the investigation should not proceed.**

### **3. Preliminary stages**

3.1 Where appropriate, the person undertaking the investigation should seek specialist advice as necessary from the Senior Area Human Resources Officer, Governor Services Manager, Diocesan/Church Authority Officer and familiarise him/herself with any relevant procedures and guidelines.

3.2 The person investigating should:

- define areas to be investigated;
- draw up a provisional list of those to be interviewed and a list of topics to be discussed, extended as required during the investigation; and
- check corroborative evidence.

### **4. The investigation process**

4.1 Interviews should be carried out as soon as possible. A statement should be taken from each person, signed and dated. The person carrying out the investigation should have access to assistance as necessary to make the record. A suitable venue and time should be selected to encourage co-operation and the opportunity to be accompanied, by a friend or representative of a professional association/trade union, should be offered. At the beginning of an interview, a general explanation of the purpose of the investigation should be provided. If children are to be interviewed, this will need to be handled with sensitivity and care.

### **5. Interviewing the subject of a complaint**

5.1 The point at which this occurs will depend upon the nature of the complaint and the investigation process. It may be necessary to interview the member of staff first and again, following interviews with other persons, to seek a formal response.

5.2 The member of staff should be informed of his/her right to take advice and be represented by a friend or representative.

5.3 The member of staff should be invited to respond to the complaint and to make a statement. The member of staff has the right to respond, to decline to respond, to reserve a response whilst seeking advice or to request an adjournment to consider a response.

5.4 Full notes should be taken of the interview and the member of staff invited to read and sign them as a true record after the interview. A copy of the notes will be given to the member of staff.

5.5 The member of staff should be invited to identify any persons who may have information relevant to the investigation. These names should be added to the list of those to be interviewed.

## 6. Interviewing witnesses/others

- 6.1 Witnesses may be interviewed as part of the investigative process of the complaints procedure.
- 6.2 They should be made aware of the nature of the complaint and of the process to be followed. (See paragraph 1 and 2)
- 6.3 Interviews should take place at a convenient time and venue for the person being interviewed, who may bring a friend or representative with them.
- 6.4 They should be asked to give their factual account of the incident(s) leading to the complaint.
- 6.5 Full notes should be taken of the interview and the witness invited to read and sign them as a true record of the interview. A copy of the notes will be provided to them.

## 7. Compiling a report

- 7.1 When all the relevant persons have been interviewed and all the relevant issues explored, the investigation is complete. The details obtained and the statements taken should then be compiled into a report.
- 7.2 Consideration should again be given as to whether there are serious matters which should be referred to Children's Integrated Services Group, Resources Directorate, or the Police. If there is such a referral, **further proceedings at school level should be held in abeyance immediately.**



## COMPLAINTS ABOUT MEMBERS OF STAFF

These will usually be dealt with under the Schools Complaints Procedures, except where allegations relate to criminal activity, financial or accounting irregularities, or allegations relating to the abuse of children. Headteachers/Chairs of Governors should seek advice from the Senior Area HR Manager and/or Diocesan Church Authority Officer.

If the complaint is about a member of staff he/she will:

- be informed in detail of the complaint;
- be provided with a copy of any written complaint;
- be invited to respond and make a statement;
- be reminded they may seek advice from their professional association/ union or other adviser before responding;
- be given a copy of the complaints procedure;
- be advised of any response/explanation to be made to the complainant;
- be advised of whether the complainant accepts the response;
- be offered appropriate counselling or guidance; and
- be informed when the complaint is resolved, of any subsequent actions intended, including any action under the disciplinary and competence procedures.

## HOW TO LISTEN TO COMPLAINTS

**As soon as you realise that you are listening to a complaint, remember these points:**

### **Don't pass the buck**

Try not to keep transferring an angry person from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.

### **Don't be flippant**

First impressions count. You and the school may be judged on your immediate reaction.

### **Treat all complaints seriously**

However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain.

### **Be open-minded**

Set aside any prejudices about the complainant or the issue raised and listen in an open-minded way.

### **Be courteous and patient**

Be sympathetic and helpful, but do not blame other colleagues.

### **Say who you are**

If you are unknown to the person, introduce yourself.

### **Ask for their name and use it**

Anonymous complaints are difficult to resolve.

### **Take time to find out exactly what the problem is**

It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.

### **Don't take the complaint personally**

To an angry or upset person, YOU are the school and the only one they can put their feelings to right now.

**Stay calm and cool**

Do not argue with the person - be polite and try to find out exactly what the person thinks is going wrong or has gone wrong.

**Check you are being understood**

Make sure that the person understands what you are saying. Do not use jargon; it can confuse or annoy someone 'not in the know'.

**Don't rush**

Take your time. Let people have their say and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.

**COMPLAINT FORM**

**Please complete and return to ..... who will explain what action will be taken.**

Your name:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

E-mail address:

Pupil's name:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint?

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:

Complaint referred to:

Date:

(Page No.    )

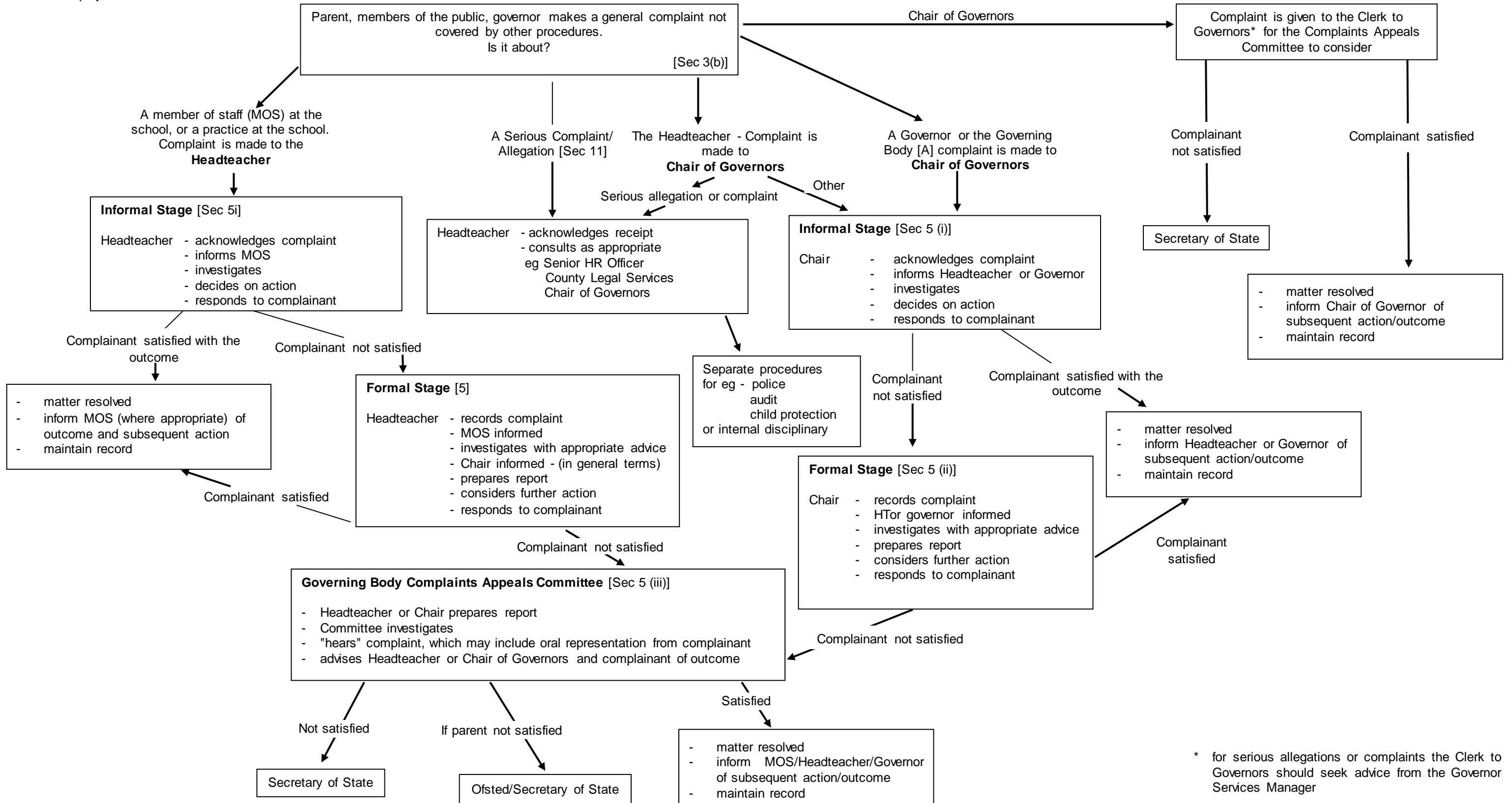
## FORMAL COMPLAINTS REGISTER

			ACTION BY HEADTEACHER/CHAIR OF GOVERNORS/COMPLAINTS APPEALS COMMITTEE			
Date complaint received	Name of complainant(s)	Summary of complaint	Action taken	Cross reference to other procedures or forms	Signed	Outcome with date

**SUMMARY OF PROCEDURES FOR HANDLING COMPLAINTS IN SCHOOLS**

**Notes**

1. This Flow Chart provides a summary of the Procedures. It is not a substitute for the full document which should be used in the investigation of a complaint. Timescales are set out in the Procedures.
2. This Flow Chart only refers to general complaints. There are separate procedures which must be used for complaints relating to the child protection, collective worship, Freedom of Information access, functions of the County Council, National Curriculum, pupil exclusions, school admissions, services provided by other organisations on the school site or through the school, sex education, staff grievance, statementing procedures for special educational needs, Whistleblowing by an employee.



\* for serious allegations or complaints the Clerk to Governors should seek advice from the Governor Services Manager

## **SCHOOL BASED COMPLAINTS - PRINCIPLES UNDERPINNING THE ROLE OF THE LOCAL AUTHORITY**

The Education Act 2002 extended previous legislative requirements for all maintained schools and maintained nursery schools to have in place a procedure for dealing with complaints relating to the school to include procedures for handling complaints relating to any community facilities or extended services that the school provides.\*

Almost all Lancashire schools adopted a model complaints procedure that reflected the then current guidance and also the LEA School Relations Code of Practice and did not give a role for the Local Authority (LA) in the investigation and resolution of complaints unless the headteacher, chair of governors or governing body complaints appeals committee requested assistance.

The 'general complaints procedures' only cover those complaints not covered by other statutory procedures, eg statemented special education needs, child protection issues. They cannot be used by teachers and other school staff who must use the grievance process. In the general complaints procedures there is no appeal to the Local Authority, but parents, the community and some LA staff have found this difficult to understand.

With the development of the Every Child Matters (ECM) agenda and the emerging role of the local authority as champion of children, young people and families it is important that we revisit the local authority's role in school based complaints so that there is an understanding of what that role is in the light of the emerging LA role. The Education and Inspections Act 2006 allows for certain parental complaints if they have not been resolved at school level to be referred to Ofsted.

The complaints procedures should set out the relationship between LA, parents and self managing schools. There remains a potential dilemma for parents in understanding them.

In the absence of any DfES guidance on the role of the LA and school complaints procedures in the light of ECM, it is proposed that, in the context of the Lancashire Model School Complaints Procedures, the LA role as champion of children and families embraces the following principles outlined below.

In responding to school based complaints Lancashire's Directorate for Children and Young People in undertaking its role as champion for children and parents will

on behalf of parents:

- use appropriate language and make clear to parents the limits of the Local Authority powers;
- if the complaint is about a school, explain the procedures clearly to parents so they have realistic expectations of the process;

- help parents to work out what they might want as an outcome and how to raise the issues with school; and
- make clear to parents the provisions of the School Based Complaints Procedure, including the role of the LA. (The Local Authority will not promote the complaint on behalf of the parents, but it will signpost potential assistance.)

on behalf of schools:

- recognise that schools are self managing institutions with their own procedures and will be available to assist schools in their investigation of complaints;
- in consultation with the Dioceses/Church Authority, develop and recommend model procedures for schools to address the concerns/complaints raised both by parents and other members of the community;
- contact the school to inform them of the complaint and offer advice and assistance as appropriate; and
- provide the advice training and development of headteachers, governors and Local Authority employees on the procedures.

In all communications with the parents and school we will use appropriate language.