

Brinsworth Manor Junior School

School Complaints Procedure for handling School Complaints

Children and Young People Services

Table of Contents

Introduction.....	3
Formal Procedures	3
The Education Act 2002 - relating to complaints	4
Publishing the Procedure	4
Support for Complainants.....	5
Support for a person being complained about	5
Support for School/Officers.....	5
Monitoring Complaints.....	5
Recording Complaints.....	5
Investigating Complaints	6
Resolving Complaints	6
Complaints about Bullying	6
Vexatious Complainants	7
Confidentiality.....	7
Complaint Stages (detailed in Complaints Procedure)	8
Roles and Responsibilities of Independent Panel Members at Stage 4.....	9
Appendix A.....	11
Stage 1: Complaint heard by staff member.....	11
Stage 2: Complaint heard by head teacher (Or designated officer).....	11
Stage 3: Complaint heard by Chair of Governing Body.....	12
Stage 4: Complaint heard by Independent Panel of Governors.....	12
The Next Stages:	14
CONTACTS.....	15
Links	15
Appendix B - Complaint form	16
Appendix C – School Complaints Procedure – A guide for parents, carers and members of the public.....	19
CONTACTS.....	20

This document has been developed using information from the DCFS document – School Complaints Procedure, LEA/0180/2003 (2007) obtainable at www.governor.net.co.uk

Introduction

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, 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.

These procedures are not intended to cover those aspects of school life for which there are specific statutory requirements. In addition, allegations of child abuse, financial improprieties or other criminal activities will need to be dealt with through different procedures, as will complaints about contracted staff.

Formal Procedures

Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

Formal procedures (Appendix A) will need to be invoked when initial attempts to resolve an issue are unsuccessful and the person raising a concern remains dissatisfied and wishes to take the matter further.

The headteacher has responsibility for the operation and management of the school complaints procedure.

An effective Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be easy to understand;
- have clear time-limits for action
- ensure a full and fair investigation
- respect people's confidentiality where possible;
- keep the complainant informed of progress
- address all the points and provide an effective response
- provide information to the school's senior management team so that services can be improved.

(Appendix A shows our school complaints procedure)

The Education Act 2002 - relating to complaints

Section 29 of the Education Act 2002 requires that:

(1) The governing body of a maintained school (including a maintained nursery school) shall –

- (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
- (b) publicise the procedures so established.

(2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school; “maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;

Publishing the Procedure

There is a legal requirement, under Section 29 of the Education Act 2002, for the Complaints Procedures to be publicised. It is up to the Governing Body to decide how to fulfil this requirement but details of the Complaints Procedures could be included in:

- the school prospectus;
- the governors’ report to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made; (Appendix B – Model Form, Appendix C, Model Leaflet)
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;
- the school website.

Support for Complainants

As part of the general publicity about complaints procedures, it is important for parents to know where they can go for information, advice and advocacy, if they require it. Ideally, support should be offered from individuals and organisations who are clearly separate from those complained against, such as Parents' Advice Centres, Citizens Advice Centres, refugee support organisations and other local advice centres. However, advice often comes from Children and Young People Services officers (e.g. specially designated complaints officers). Children and Young People Services will always advise complainants to discuss their concerns with school.

Parents raising concerns or complaints should be invited to be accompanied by a friend, a relative or a representative at any stage of the procedure.

Support for a person being complained about

Staff who may be questioned as part of a complaints procedure investigation must feel that they are being treated in a fair way and be informed that they too will have an opportunity to state their case. They should 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.

Support for School/Officers

Children and Young People Services can offer advice and support to schools when handling a complaint if required. Contact should be made with the Complaints Manager on 01709 823738 who will try to provide help.

Monitoring Complaints

The Governing Body should 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. Preferably, 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 will contribute to school improvement. When individual complaints are heard, schools may 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 a school's performance.

Recording Complaints

It would be useful for schools to record the progress of a complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end

of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

Investigating Complaints

It is suggested that at each stage, the person investigating the complaint, makes sure that they:

- Understand the nature of the complaint
- Identify what outcome the complainant is seeking by making their complaint
- Clearly explain the complaints process
- Interview those relevant to the investigation
- Keep a record of interviews/investigations
- Respond as quickly as possible to the complainant

Resolving Complaints

At each stage in the procedure schools will want to 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:

- an 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 undertaking to review school policies in light of the complaint.

An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Complaints about Bullying

The Children's Plan (December 2007) Building Brighter Futures, promises to strengthen the complaints procedure for parents whose children experience bullying. Children and Young People Service's Children's Plan and Well Being Strategy also has a commitment to reducing bullying and harassment of children and young people.

Bullying complaints should be handled sensitively and allegations taken seriously. The complaints should also be well recorded.

Vexatious Complainants

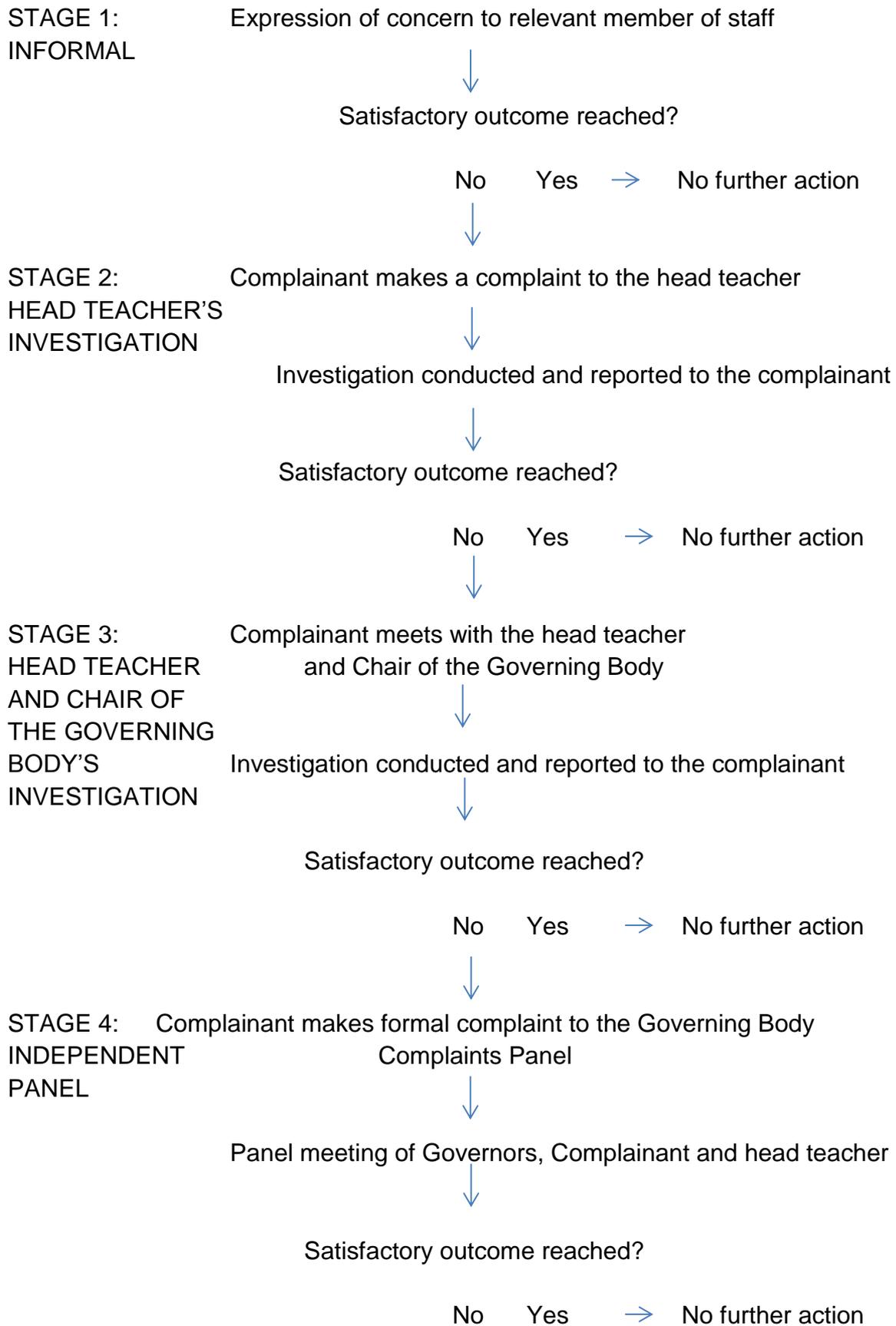
If properly followed, a good complaints procedure will limit the number of complaints that escalate. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. A complainant should however be advised of their right to contact Secretary of State for Education and Skills or the Local Government Ombudsman should it get to that stage.

Confidentiality

It is very important to treat conversations and correspondence with discretion. It is vital that parents feel confident that their complaint will not mean that their child will be penalised. However, from the outset, all parties to the complaint should be made aware that some information may have to be shared with others involved in the operation of the complaints procedure.

It is usually proper 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. If the forewarned eventuality occurs, to the detriment of the school, the complainant may come forward subsequently and say that s/he alerted the school even though the complaint was unsigned. It should be at the head teacher or governing body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

Complaint Stages (detailed in Complaints Procedure)



NEXT STAGES: Complainant/School requests the involvement of
BEYOND THE Children and Young People Services
SCHOOL

↓
Satisfactory outcome reached?

No Yes → No further action



Complainant appeals to Ombudsman/Secretary of State

Roles and Responsibilities of Independent Panel Members at Stage 4

The Role of the Clerk

It is strongly recommended 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.