

Governor Services

Worcestershire Children's Services  
Guidance  
on  
School Non-Curriculum Complaints

*Policy adopted by  
Blackwell First School*

**Autumn 2018**

## **Blackwell First School**

### **Policy and Procedure for responding to non-curricular complaints**

The Governing Body adopted this policy at a meeting held in September, 2018. It is based on a Model published by Worcestershire Children's Services.

The School publishes details of its Complaints Procedure and any out-of time limits the Governors have prescribed in the following ways:

- The Complaints Procedure is available from the school office. Parents will be notified of this on the school website page (under policies) and also through an annual newsletter in the autumn term.
- Complaints should be made within three months of the matter in question being known to the complainant.
- Any escalation to further stages within the Complaints Procedure must be made within two/three months of the initial complaint.

This complaints procedure relates to all complaints, including complaints about:

the National Curriculum  
collective worship  
religious education  
pupil admissions  
pupil exclusion  
special educational needs  
child protection  
sex education  
employee grievances and disciplinary proceedings.

**A. General Principles.** This procedure contains advice for resolving complaints; flowcharts to indicate time limits; and advice on the conduct of meetings.

Every attempt will be made to adhere to the time limits specified in the flow charts and detailed procedures which follow, but these may in exceptional circumstances be exceeded. In such cases the School/ Governors will advise the reasons and set a new time-scale.

A complaint will usually be considered as 'out-of-time' if it is raised more than three months after the matter is known to the complainant.

Anonymous complaints will not be investigated, except in exceptional circumstances – such as child protection issues.

**The aim of this policy is to resolve concerns at the earliest opportunity, and effect reconciliation if there has been friction.** If the complaint needs to be formalised, the complainant will be asked to write down the substance of the

complaint on a form, an example of which is found in Annex C. This form will also invite a view about what actions might be felt to resolve the problem.

**B. Possible resolutions.** Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about, (if justified) will not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint.

**C. Later Stages.** Where concerns are not resolved on an early timescale, the procedure allows for formal consideration by the Headteacher, and later still, by a Governors' Complaints Panel.

**D. Unresolved Complaints.** Occasionally, a complainant may remain dissatisfied, even though this procedure has been used through all its stages. However, it will not normally be possible to re-open the same issue. In such circumstances, the Chair of Governors will inform the complainant that the procedures have been exhausted and that the matter is closed.

## **E. School Complaints Stages in Detail**

Blackwell First School will monitor and record parents/carers compliments, concerns and complaints. This will endorse and ensure the continuation of our good practice.

It is acknowledged that, where concerns are raised, they are more often than not raised with a more senior person, for example, an assistant headteacher or Headteacher in a small school such as Blackwell, rather than a more junior teacher. The first stage, therefore, could if appropriate be dealt with informally by one of a number of possible people.

### **Stage 1 (Informal)**

Where any member of staff becomes aware of a voiced concern, they should deal with it themselves if it is appropriate, and they feel comfortable in doing so. Many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most concerns can be readily resolved at this informal stage. Where the person approached feels uncomfortable with dealing with the matter directly, they should involve, for example, their line manager.

In the case of serious concerns (or where the school deems it more appropriate to do so) it may be necessary to refer these matters directly to the Headteacher.

Where the complaint is specifically about the Headteacher, similarly the parent/carer should discuss this with him/her at this stage first.

It is not appropriate for a complaint to be directed through a Governor. Any Governor receiving a complaint will give advice that there is an established

procedure, and refer the complainant to the appropriate person. (This is because a Governor acting unilaterally could prejudice the involvement of Governors at a later stage)

The concern will be noted (including the outcome) and copied to the Headteacher (or appropriate person in charge of records in larger establishments). Where the subject of the complaint is the Headteacher, he/she will copy the record to the Chair of Governors.

Where informal attempts by the school have failed to bring about a satisfactory resolution for the parent/carer, the parent/carer is entitled to request that the complaint be treated more formally. Unless the complaint directly concerns the Headteacher, it will be him/her who deals with this next stage (Stage Two).

If the complaint is specifically about the Headteacher, and s/he has had the opportunity in Stage one to discuss the matter, the parent/carer can then directly contact the Chair of Governors about Stage 2.

## **Stage 2 (Formal) Dealt with by Headteacher**

[If the complaint concerns the Headteacher, the Chairman of Governors is personally responsible for following the procedures in Stage 2. Otherwise, the Headteacher deals with this Stage. If the complaint concerns a Governor, complaints should be referred to the Clerk to Governors who will contact Governor Services for advice].

This stage can be initiated if/ when dissatisfaction with the outcome of stage one is received by the school. At this point, a copy of these Procedures and Policy should be sent to the complainant within 3 school days, together with the formal complaint form (Annex C).

The form is structured so that each party has a common understanding about the complaint. As the main purpose of the process is to achieve reconciliation, parents/ carers are also asked what actions might resolve the problem.

After the formal complaint form is returned, it should be acknowledged within 3 school days and the investigation will commence.

This is the first stage of the formal complaints process and as a result, all communications between parties should be recorded.

Before proceeding with a formal investigation, the Headteacher may wish to meet with the individual and discuss his/her concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure. In the latter case, the Headteacher should advise the complainant on what will need to be done.

The head may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. The investigation should involve the review of any relevant documentation and information. If necessary, witnesses may need to be interviewed and statements taken from those involved. If the complaint centres around a pupil, the pupil may also usually be interviewed.

The outcome of the investigation should be communicated to parents/carers, either at a meeting (followed up in writing) or as a written response. This response should explain the outcome and should be supported by reasons for reaching this decision and what action, if any, will be taken. (If management action is subsequently required against an employee of the school, the parents/carers will not have access to this information). **This response should be provided within 10 school days of acknowledging the complaint.**

If the complainant is still dissatisfied with the response given and would like to take the complaint further, they should make this clear in writing to the Headteacher. On receipt, s/he will send on the complaint form and all associated information to the Chair of Governors. [In the case of the Headteacher, if the complainant is still dissatisfied, and wishes to take it further, the Chair should be so advised, and Stage 3 initiated]

### **Stage 3 (Formal) Dealt with by Governors' Panel**

On receipt of the information from the Headteacher, the Chair of Governors should verify that the parent/carer has properly exhausted all stage 2 procedures. If not satisfied, the Chair will refer the matter back to the Headteacher. When satisfied, the Chair will contact the Clerk and liaise with him or her to make preparatory arrangements for the Governors' Complaints Panel Meeting.

The Clerk may be the Clerk to the Governing Body, or, in exceptional circumstances, another Governor acting as Clerk, (over and above those selected for the Panel).

The Chair of Governors will identify three governors chosen from an agreed pool of governors to form the Complaints Panel, and the Panel should appoint its own chair.

The Chair of Governors or Clerk to the Governors' Complaints Panel should acknowledge (to the complainant) receipt of the information from the Headteacher within 5 school days.

This letter should inform the parent/carer that the complaint should be heard by the Complaints Panel within 15 school days. In exceptional circumstances, the parent/carer should be notified where this timed period will need to be extended and the reasons for this.

The Clerk of the Panel should convene a meeting of the Complaints Panel, (as identified by the Chair of Governors), and arrange a time and date for the

meeting. All relevant documentation from the Headteacher and the parent/carer should be distributed to all parties, (including the Panel members) in advance of the meeting.

The Panel has discretion as to how it will carry out its duties, some of which are itemised in Annex B. As part of this, parents /carers should ordinarily be asked to attend a meeting of the Panel (with accompanying relative or friend if desired).

The Chair of the Panel should ensure that the parent/carer is notified of the Panel's decision in writing **within 5 school days** of the meeting. The response should include action (if any) that needs to be taken and where appropriate, suggest changes to, or review of, the school's systems or procedures to ensure that similar problems do not happen again.

If the parent/carer is dissatisfied with the response they have been given, and would like to take the complaint further, they should be referred to stage four of this procedure.

Equally, if the Headteacher perceives due process has not been followed, s/he may wish to refer the matter to Stage 4 for adjudication.

#### **Stage 4 (Formal) The Role of the Secretary of State for Education.**

**The remit of the Secretary of State is to review due process.** The Department will not re-investigate the substance of the complaint. This remains the responsibility of the school. Parents/carers are entitled to complain in writing to the Secretary of State if they believe that their complaint was not handled fairly and in accordance with the school's complaints procedures. This involvement of the Secretary of State will only commence once the parent/carer has exhausted all of the school-based stages (up to, and including, a Governors' Complaints Panel, Stage 3 of the Complaints Procedures).

Complaints must be submitted in writing to:-

The Secretary of State for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3B7

The written complaint must include the following information:-

- details of the original complaint
- the decision and recommendations/ action (if any) of the Governors' Complaints Panel
- reason for believing the original complaint was not dealt with fairly and in accordance with the school's complaints procedures
- the expected desired outcome.

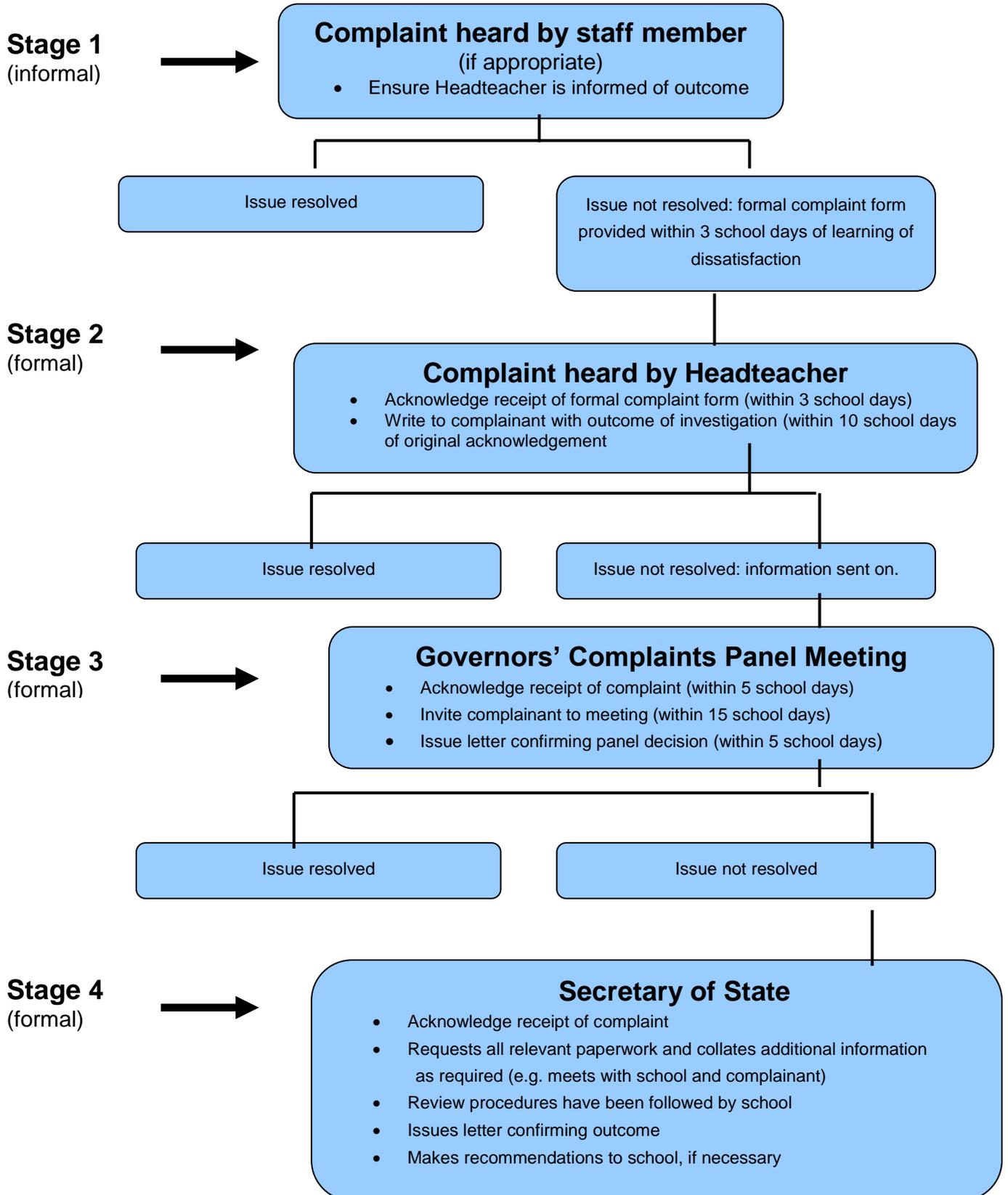
**The Secretary of State will acknowledge the parent/carer's complaint.**

The Secretary of State will request and examine all relevant paperwork, (including the school's complaint policy) from both parties and will collate additional information if required. This may necessitate a meeting with the Headteacher, Chair of Governors, or the parent/carer. This review will cover records and correspondence produced at each school stage.

**The Secretary of State will communicate their findings of the complaint in writing to all parties** and if appropriate, will make recommendations for future action by the school. Copies of this letter will be sent to the Chair of Governors.

Any recommendations made by the Secretary of State as a result of its review can only be advisory, and as such, is not binding on any of the parties. However it is anticipated that Governing Bodies would consider any such recommendations as a genuine means of securing fair and reasonable practice in the best interest of the school.

## Blackwell First School Complaints Procedure/Policy Flowchart



## **Investigating complaints**

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

- establish what has happened so far and who has been involved;
- 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;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they so wish;
- conduct the interview with an open mind and be prepared to persist with questioning and
- keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

## **Vexatious complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. 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 GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence.

## **MODEL PROCEDURE FOR THE CONDUCT OF A GOVERNORS' PANEL HEARING TO CONSIDER A COMPLAINT**

It is important that the members of the Governor Panel are impartial and independent, and seen to be so. The Panel members should have no prior involvement with the case, and be sensitive to the constitution of the Panel with regard to issues of equality.

It may be the case that parents/carers feel anxious that they will not be provided with opportunities for them to be heard or that the procedure is not seen to be fair (i.e. parents may perceive the Governors' view to be weighted in the school's favour). Panel members need to be aware these perceptions may exist and endeavour to demonstrate openness and objectivity in their actions.

### **THE HEARING**

Reports and statements submitted to the Panel should be made available to all parties in advance of the hearing.

The Chair of the Panel must determine in advance the most appropriate method of conducting the hearing into the complaint so that the Panel may achieve 'best evidence'. The decision will be influenced by the contents of the Complaints Form and other information to hand. Some possibilities are listed below, but they are not exhaustive:

#### **Option One**

To consider the written statements, reports and evidence provided in advance, and to question the originators about their substance. This approach is likely to be least effective, as it might result in a time-consuming search for additional information and cross-referencing.

#### **Option Two**

Interviewing separately the complainant and the school representative, and other parties deemed relevant by the Chair, in order to hear statements and collect additional directly related evidence.

#### **Option Three**

With the agreement of all parties, to hold a hearing with both sides present and available to respond to questions put by the Panel, and through the Chair. Such a meeting should be non-adversarial.

#### **Option Four**

With the agreement of all parties, to hold a meeting with both sides present, to follow an Agenda on the lines of the following Model: Witnesses are only required to attend for the part of the hearing in which they give their evidence.

## **Model Agenda**

- 1) Complainant explains reasons for making the complaint, and calls witnesses if desired.
- 2) Headteacher and Panel members may ask questions
- 3) Headteacher invited to explain the school's actions and call witnesses if desired
- 4) Complainant and Panel members may ask questions
- 5) Complainant is invited to sum up the complaint
- 6) Headteacher is invited to sum up the school's actions and response to the complaint
- 7) The parties leave together, and the Panel considers its decision

It is essential to recognise at all times, that the procedure for any of the above options deals only with establishing the validity of a parental complaint and does not constitute a hearing connected with any disciplinary process.

The complainant is welcome to bring an accompanying relative or friend if desired, and witnesses if appropriate.

The school representative will be the person who dealt with Stage Two [The Headteacher usually, but the Chair of Governors if the complaint related to the Headteacher] S/he may bring a friend if desired.

If other members of staff or other witnesses are needed because of their perceived involvement in the substance of the complaint, each, too, may be accompanied by a friend.

The Clerk to the Governors' Panel will be responsible for inviting participants into the room at the relevant times, and make introductions as necessary.

The Clerk to the Governors' Panel should keep an accurate record of the discussion at the meeting. The Governors may need to refer to this to assist them in their consideration of the case. It may be helpful to the parent/carer for them to be informed if these notes will be made available to them. If, as a result of the complaint being upheld there is any disciplinary action towards a member of staff, the parent/carer is not permitted any knowledge of this. Therefore, if any notes are made available to complainants, any such references should be removed before being sent.

The Chair should explain the Panel's Remit and that the purpose of the hearing is to review the complaint and try to resolve the issues to enable reconciliation between the parent/carer and the school. It may only be possible to establish the facts and recommend future actions.

The Chair should reassure all parties that they will have every opportunity to state their case.

The Chair should explain the procedure decided upon for the hearing. It may be helpful to have printed copies of this available to all parties.

## 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 appropriate action to be taken to resolve the complaint  
See possible resolutions on below
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

The Panel should consider: -

- The evidence (written and oral) from the school representatives and the parent/carer.
- The relevant school policies and procedures (e.g. anti-bullying, race equality, dress code, and discipline).
- The extent to which the school's action is consistent with the appropriate school policy (i.e. have the school managed the issue in the manner defined in their documentation?).
- The response of the Panel to the parent's/carer's complaint, having considered the information made available to them, providing reasons for their decision.
- Areas of agreement identified between the parties.
- Misunderstandings identified, which can be remedied.

### **Possible resolutions.** (re-printed from adopted Procedure)

Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about, (if justified) will not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint.

- Any recommendations to review/ revise school policies and procedures as necessary. This should identify a reasonable timescale and a nominated person who will be responsible for this to be achieved, and progress should be monitored by the Governing Body.
- The appropriate action to be taken by the school, if necessary.
- Recommendations on changes to school policies and procedures in the light of this experience, if necessary.

Reminder: If as a result of the complaint being upheld, there is disciplinary action contemplated towards a member of staff, the complainant is not permitted any knowledge of this.

The Panel's decision, with reasons, should be confirmed in writing to the parent/carer, Headteacher and Chair of Governors within 5 school days.

**ANNEX C**

**Complaint Form** to be supplied with a copy of the adopted procedure

Please complete and return to the Headteacher who will acknowledge receipt .  
The Procedure, at Stage 2, explains what action will be taken after receipt.

Your name:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

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

The form continues overleaf.....

What actions do you feel might resolve the problem?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom?:

Complaint referred to:

Date: