

# Emmbrook Junior School



## COMPLAINTS POLICY (STATUTORY)

**Responsibility of: Finance, Community and Premises (FCP) Committee**

**Date of Policy:** July 2018

**Date of Review:** May 2020

### 2014 Mission Statement

**The Emmbrook Junior School community works together to further develop each child's abilities by creating a nurturing and motivating environment for learning. Each child's self-confidence will be strengthened, so they make good academic progress, whilst gaining increasing resilience and respect for the community.**

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## 1. Introduction

### 1.1 Legal context

From September 2003, governing bodies of all maintained schools and nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a clear and well communicated procedure to deal with complaints.

The School Standards and Framework Act 1998 provided an additional function of the governing body, to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

In order to fulfil the legal requirement for schools to publish their complaints procedures, this policy will be placed on the school's website and will be available through the school office.

### 1.2 Responsibility of the Local Authority (LA)

It is the responsibility of the LA to ensure that schools are implementing their agreed policies. It is not the role of the LA to become involved in setting policy or to intervene in individual cases, but to ensure that agreed policies have been applied appropriately. The responsibility for managing complaints lies with the governing body. When complaints about the school are brought to the attention of Wokingham Borough Council (WBC), complainants will be advised to contact the school who will explain how to implement this policy

This policy does not cover areas where Wokingham Borough Council, as the Local Authority, has the lead role or for which separate appeal arrangements are provided e.g.

- Pupil admissions
- Pupil exclusions
- Statutory Assessment of Special Educational Needs
- Child Protection Issues
- Criminal investigations
- Employee grievances
- Staff disciplinary proceedings
- Complaints made against Wokingham Borough Council, which should be dealt with in accordance with the Council's 'Corporate Complaints Procedure'

### 1.3 Support offered by Wokingham Borough Council

WBC Children's Services offer advice and guidance to Head Teachers and Governing Bodies who request it.

WBC Governor Services offer advice where there is a serious allegation against a Head Teacher.

## 2. Aims of the policy:

- encourage the resolution of any concerns or complaints, regardless of who is initially approached, by informal means wherever possible
- set out the most suitable and effective formal process for dealing with those complaints which cannot be resolved informally
- ensure that concerns are dealt with quickly, fully, fairly and within clearly defined time limits
- provide effective responses and appropriate redress
- maintain good working relationships between all people involved with the school
- grant equal respect to each person involved within the process and to respect and understand differences between people.

### **3 Who is allowed to complain?**

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean the parents and carers of the school's pupils, but may include parents and carers of pupils who are no longer at the school, neighbours of the school, or any other members of the local community. Every effort will be made to resolve all complaints received. Complaints will always be investigated so that the school can ensure that all statutory duties are being met and if not address the issues raised and learn from them- for example child protection issues may only come to light after the pupil has left the school.

A child protection issue will always be referred to Wokingham Borough Council

There may be occasions where a complaint gives rise to disciplinary action which puts the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with using this policy's procedures.

In some cases, where it is deemed inappropriate for individuals to discuss their concerns informally, complainants should be directed to contact the Head Teacher

Where complainants have contacted the Head Teacher directly of their own accord, it will be at the discretion of the Head Teacher whether or not the complaint should be handled informally before invoking the formal complaints procedure.

In all cases where the complaint concerns the Head Teacher, the formal complaints procedure will begin at Stage 2. Where there is a serious allegation against the Head Teacher, it is recommended that the Governing Body seek advice at the outset from Governor Services at Wokingham Borough Council.

#### **3.1 Confidentiality**

All conversations and correspondence will be treated confidentially. Personal information will only be shared between staff and governors on a 'need to know' basis. Confidentiality will be maintained within the Governing Body to ensure sufficient governors have no prior knowledge of the complaint to enable a complaints panel to be convened, if required, at Stage 3 of the Formal Complaints Procedure.

The school processes any personal data collected during the complaints process in accordance with its data protection policy. Further details can be found in the Privacy Notice on the school's website.

#### **3.2 Accompaniment**

The complainant has the right to be accompanied by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

## **4 PROCEDURES FOR HANDLING COMPLAINTS INFORMALLY**

The vast majority of concerns can be dealt with informally. Many concerns raised at this level might not be classified as complaints.

### **4.1 How to raise a concern**

Individuals may decide to raise their concerns with a member of school administrative staff, class teacher, senior teacher, Governor or Head Teacher depending on their wishes and the type of issues they want to discuss.

### **4.2 Monitoring**

It is not necessary to record or monitor concerns at this level.

### **4.3 Time scales**

There are no specific time scales for dealing with informal concerns. However, issues should be considered and dealt with as quickly and effectively as possible.

### **4.4 Response**

The individual who raised the issue should be informed [if appropriate, in writing] of any action to be taken to resolve the issue.

### **4.5 Options for the complainant**

If the individual is dissatisfied with the response they have been given and would like to take their concerns further, they should be given a copy of this policy and be referred to the formal complaints procedure

## **5 PROCEDURES FOR HANDLING COMPLAINTS FORMALLY**

There are three stages in the formal complaints procedure:

- 1.** Referral to Head Teacher (unless complaint is against Head Teacher)
- 2.**
  - a) Complaint referred to Chair of Governors
  - b) Complaint against Head Teacher made directly to Chair of Governors
- 3.** Review by Governing Body Complaints Panel

At each stage the conclusion will be:

### **either**

That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken.  
e.g.:

- an apology
- an explanation
- an admission that the situation could have been handled differently
- 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.

### **or**

That the complaint is not upheld and reasons for this are clearly given.

The complainant may then:

**either**

choose to take no further action

**or**

will be advised of how to take the complaint to the next stage of the complaints procedure

#### 5.1 Monitoring formal complaints

The school may choose to appoint a member of staff as a 'complaints co-ordinator'. This individual will have responsibility for the operation, management and monitoring of the complaints procedures

At all stages, the following information shall be recorded:

- the name of the complainant
- the date and time at which complaint was made
- the details of the complaint
- the desired outcome of the complainant
- how the complaint is investigated (including written records of interviews)
- results and conclusions of investigations
- any action taken
- the complainant's response).

Records shall be retained within school for 6 years from the date of resolution before being destroyed.

#### 5.2 Time between stages

After each stage, the complainant and the individual who is dealing with their complaint shall allow 15 school days to decide an appropriate deadline by which the next stage should be invoked, if at all. If the complaint is not submitted to the next stage within this time limit it, should be considered closed.

#### 5.3 Changes to time limits and deadlines

In certain circumstances it may be inappropriate or impractical for the school to adhere to the deadlines, e.g. if an investigation cannot be conducted due to school holidays or illness.

Where a complaint leads to criminal proceedings this will always be the case.

If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant should be informed and given an explanation.

## **6 FORMAL PROCESS STAGE 1 – Referral to Head Teacher**

### **6.1 Submitting a Formal Complaint**

Once it has been established that a concern or complaint will be dealt with formally, the complaint shall be submitted in writing to the Head Teacher.

If a complaint is made against the Head Teacher, the process will begin at Stage 2

### **6.2 Acknowledgement and Investigation**

The Head Teacher shall formally acknowledge the complaint, in writing, within 3 school days of receipt. (S)he will then investigate the complaint by reviewing relevant information and documentation and, if necessary, taking statements from those involved.

### **6.3 Response**

The Head Teacher will provide the complainant with a written response within 10 school days of acknowledgment, indicating whether or not the complaint has been upheld, the reasons why and what action (if any) will be taken. The response will also provide details of how to proceed to

Stage 2, if the complainant is not satisfied.

### **6.4 Communication**

All communications between parties shall be accurately recorded and monitored as set out in clause 5.1.

## **7 FORMAL PROCESS STAGE 2 – Chair of Governors**

**Stage 2a)** Complaint referred by Head Teacher to Chair of Governors [or Vice Chair]

**Stage 2b)** Complaint against Head Teacher made directly to Chair of Governors

### **7.1 Submitting a Stage 2 Formal Complaint**

The complainant must submit a written request to the Chair of Governors who will investigate the complaint or arrange for a nominee to investigate it

### **7.2 Acknowledgement and Investigation**

The Chair of Governors [or nominee] shall formally acknowledge the complaint, in writing, within 3 school days of receipt. (S)he will then investigate the complaint by reviewing information and documentation from Stage 1 and, if necessary, taking statements from those involved

### **7.3 Response**

The Chair of Governors will provide the complainant with a written response within 10 school days of acknowledgment, indicating whether or not the complaint has been upheld, the reasons why and what action (if any) will be taken. The response will also provide details of how to proceed to Stage 3, if the complainant is not satisfied.

## **8 FORMAL PROCESS STAGE 3 - Review by Governing Body Complaints Panel**

The Complaints Panel will generally consist of three governors who have not previously been involved with the complaint. If the Governing Body is unable to find three such governors and if it has formal collaboration arrangements in place with another school's Governing Body, independent governors can be drawn from that Governing body to sit on the panel. The panel shall elect its own chair. Each member will be issued with a copy of the Annex to this policy.

The panel will be clerked by a member of the school staff, the Clerk to the Governing Body or another Governor.

### **8.1 Submitting a Stage 3 Formal Complaint**

The complainant will write to the chair of governors indicating that he or she is not satisfied with the outcome of stage 2 and therefore wishes to continue to stage 3 of the complaints process. This will have been explained to the complainant in the letter sent at the end of stage 2.

### **8.2 Acknowledgement**

The Chair of Governors [or nominee] shall formally acknowledge the complaint, in writing, within 3 school days of receipt. This letter will inform the complainant that their complaint will be heard by a Governors Complaints Panel within 15 school days.

### **8.3 Arrangements**

The Chair of Governors will ask the clerk to make the preparatory arrangements.

### **8.4 The clerk will write formally to the complainant and to the Head Teacher and any other relevant staff or witnesses for the school, informing them:**

- of the date, time and venue of the hearing
- how it will be conducted
- of the rights of accompaniment as outlined in this document clause 3.2
- that requests to attend from supporting witnesses, representatives or companions must be submitted in writing no later than 5 school days before the hearing date
- that supporting documentation [from any party involved] must be returned to the clerk no later than 5 school days before the hearing date;

The letter to the complainant will also explain that s/he need not attend the meeting and can submit written evidence which will be considered.

### **8.5 The clerk will ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing**

## **8.6 Governors Complaints Panel Meeting**

Those present will be the panel members, the clerk, a person representing the school, the complainant and companion to either party, if requested.

The Chair of the Panel shall allow each party involved to explain their understanding or interpretation of events and allow the Panel to question them for further clarification. Written submissions, statements and evidence will be considered.

The minutes shall be taken by the clerk and shall be an accurate record of the meeting; the minutes are confidential.

### **8.7 After the Panel meeting**

The panel will consider the complaint and the evidence presented, then:

- reach a majority decision on the complaint
- decide upon the appropriate action (if any) to be taken
- where appropriate, suggest changes to, or request a review of, the school's procedures, to ensure that problems of a similar nature do not arise again

This information shall be included in letters to the Head Teacher, the complainant, and the Chair of the GB within 5 school days

8.8 Options for the complainant

This is the end of the school's complaints process. If the complainant is still not satisfied they can contact:

- 1 The Secretary of State for Education (email – [ministers@education.gsi.gov.uk](mailto:ministers@education.gsi.gov.uk), telephone 020 7925 5065), who has the power to consider complaints that the Governing Body has acted unreasonably in the discharge of any of its statutory duties
- 2 The Chief Inspector of Ofsted (contact via website [www.ofsted.gov.uk/contact-us](http://www.ofsted.gov.uk/contact-us), then click on 'Contact us' tab), who has the power to investigate complaints about the school as a whole (e.g. standards of education, welfare of pupils, school management). Ofsted will not normally investigate cases concerning individual pupils
- 3 The Department for Education at [www.dfe.gov.uk](http://www.dfe.gov.uk), telephone 03700002288 or the Advisory Centre for Education at [www.ace-ed.org.uk](http://www.ace-ed.org.uk) or on their helpline which is available on Monday - Thursday 10am -1pm on 0800 800 5793

***Approved by Governing Body***

***Chair of Governors***

***Date***

***17.07.2018***

***Head Teacher***

***Date***

***17.07.2018***



## ANNEX

### GOVERNOR COMPLAINTS PANEL GUIDANCE NOTES

If required, Wokingham Borough Council will offer support and guidance on procedural issues to the clerk, the Chair of Governors and/or the Complaints Panel but will not play any part in reviewing the details of the complaint itself, which is the responsibility of the Complaints Panel alone

#### 1. Chairman's Introduction

Ask witnesses in support of either the school or the complainant to wait outside the room until called.

Welcome and introduce everyone in the room and their role in the proceedings. Those present will be the panel members, the clerk, a person representing the school, the complainant and companion to either party, if requested.

It may be appropriate to clarify if any aspects of the complaint fall outside the remit of the panel.

Explain:

- the structure of the meeting
- that the reason for the panel being held is to offer a fresh and fair look at the complaint referred from the Formal Stage 2 as defined in the complaints procedure clause 7.
- that the panel cannot consider new complaints at this stage.
- that the panel will deliberate in private after the meeting and their written conclusions will be sent to all parties within 5 school days.

Ensure:

- that there is a clear written statement of the complaint which is the same as the complaint previously investigated at Formal Stages 1 and 2
- that there is a clear statement of the outcomes desired
- that everyone has a copy of all documents and of the Complaints Policy.
- that everyone understands all of the above

#### 2.0 Structure of the Meeting

- 1 The complainant (or representative) will be given the opportunity to explain their complaint.
- 2 Written submissions supporting the complainant will be read out
- 3 The panel and the school's representative will be allowed to ask the complainant (or representative) questions.
- 4 The school's representative will be given the opportunity to present the school's response, interpretation or view about the complaint.
- 5 The panel and the complainant (or representative) will be allowed to ask the school's representative questions.
- 6 At the panel's discretion, witnesses in support of either party may be called and heard and may be questioned by the panel and either party.
- 7 The complainant (or representative) will be given the opportunity to make a final statement.
- 8 The school's representative will be given the opportunity to make a final statement.
- 9 The Chairman will confirm with both parties that they have had the opportunity to put their case.
- 10 The Chairman will thank all for attending and explain that the panel will deliberate in private and that a letter setting out the panel's conclusions will be sent within 5 school days.

### 3.0 Deliberation and Conclusion after the meeting

All points of the complaint must be addressed.

For each point, the panel needs to explain their findings, based on fact where possible.

The panel needs to consider the outcome(s) requested and agree or disagree, giving reasons.

The panel can make recommendations to either the Head Teacher or the Governing Body.

The concluding letter must be signed by the Chair of the panel; it will be sent out within 5 schools days of the meeting. The letter shall indicate that this is the final stage of the school's complaints procedure. It should refer the complainant to the other available avenues, clause 8.8, if dissatisfied with the outcome.