

Thornbury Primary School

Complaints Procedure

May 2015

Stage 1 - Teacher or Head of Department

All schools are happy to receive suggestions and to talk about concerns, which help them identify areas of success and areas in which they could improve. Where a concern is brought to the School's attention it can often be resolved with a single conversation. Sometimes an issue is more complex and will take more than one discussion to resolve.

Occasionally, despite the best efforts of all parties these discussions do not resolve the concern, which then may become an issue and will then be passed on to the Headteacher or Deputy Head. Any concerns should be raised as soon as possible, within one month at the latest.

Stage 2 - Consideration by Headteacher or Deputy Headteacher

On receiving the concern, the Headteacher or Deputy Head will make contact with the parent/carer (if it is passed on by a member of staff) or will speak to the parent/ carer there and then. The Head or Deputy will then investigate the circumstances surrounding the concern. The Head or Deputy will share their findings with the parent/carer within one week.

Stage 3 - Investigation by Headteacher or Deputy Headteacher

If Stage 1 and Stage 2 have been followed and the matter has not been resolved, the Complainant may be asked to confirm the complaint in writing to the Headteacher (or Chair of Governors if the complaint is about the Headteacher). This will be acknowledged in writing (marked 'Stage 3') within one week. The Headteacher (or Chair) will copy relevant papers to any members of staff named in the complaint and carry out an investigation. Normally within four school weeks the conclusions will be written up and conveyed to the Complainant.

At the same time as the written response, the Complainant may request informal mediation with the Headteacher or a Governor (a member of the Governing Body, who will not form part of the Complaints Panel).

The outcome of the informal mediation will be recorded and minutes sent to the Complainant, Headteacher, Chair of Governors and the Governor in attendance.

If the Complainant is still not satisfied, they should raise this in writing within two weeks of the mediation taking place (Stage 4).

Stage 4 - Complaint to the Governing Body

This can be made only if the Complainant has:

- Sought to resolve the concern through approaches to the School as described in Stages 1, 2 and 3
- Allowed reasonable time (normally four school weeks) for investigation of the concern
- Accepted any reasonable offer by the School to discuss the result of the investigation
- Taken part in any process of mediation offered by the School
- Put the complaint clearly in writing (normally within one month of the event)

If for any reason the child has been withdrawn from the School, but a formal complaint is made, it should still be heard either by the Complaints Panel or the LEA, whichever was deemed appropriate. The parents should be informed about who is dealing with the complaint.

The Governing Body has set up a Standing Committee, known as the Complaints Panel to deal with complaints. It is their responsibility to hear and decide about formal complaints, which have not been resolved at the earlier stages.

The Panel consists of three Governors who have **not been involved** in dealing with the complaint. The Panel will be chaired by the Chair of Governors unless they are disqualified through involvement in dealing with the complaint, in which case it will be chaired by one of the other members. **The Headteacher will NOT be a member of the Complaints Panel.**

Membership of Complaints Panel (usually to select Panel from, although other Governors may be called on if there are problems with availability)

- *Chair of Business*
- *Two members of the Business Committee*
- *Chair of Governors (or Vice Chair if Chair has been involved)*
- *2 members of the Governing Body*

(Statements in *this font* are to be proposed at next Full Governors to clarify practicalities).

The Complainant should write to the Governing Body Clerk at the School requesting a meeting of the Complaints Panel. Enclosed with the letter should be a copy of the written complaint submitted at the earlier stages, indicating which matters remain unresolved. **No new complaints may be included.**

The Governing Body Clerk will immediately contact the Chair of the Complaints Panel nominated by the Governing Body as part of the their Committee arrangements. The Clerk is responsible for making all the arrangements for the meeting, including time and place. The Clerk will immediately send the text of the formal complaint to the Headteacher and Chair of Governors. The Headteacher may have up to ten school days from receipt of this notification to submit a response to the Clerk. The meeting will be arranged as soon as possible and no later than twenty working days after receipt of the Complainant's request for a formal meeting. If there is difficulty agreeing a date the Chair of the Panel makes the final decision.

Any documents from either the Complainant or the Headteacher to be considered by the panel, and the names of any witnesses or friends who might attend, must be received by the Clerk at least seven days before the meeting. Copies of all papers submitted plus the agenda will be sent to the Complaints Panel members, Complainant, Headteacher, Chair of Governors and Director of Education at least five days before the meeting date. The Headteacher will copy relevant papers to any member/s of staff named in the complaint.

The Complainant may bring a friend, interpreter or advocate to the meeting.

The Headteacher may bring a friend or professional representative.

If teachers or other members of staff are asked by the Headteacher to be present at a Complaints Panel Meeting, they have the right to bring a friend or professional representative.

It is **not** appropriate for a child/pupil to attend, unless they are bringing the complaint on their own behalf being over the age of eighteen.

The panel will consider the complaint on the basis of the papers they receive and what is said at the meeting. In the event of either party not attending the meeting, the Panel Chair has discretion to proceed or to adjourn at any stage.

The Panel Chair controls the meeting and will aim to complete all business at a reasonable hour without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, and by being courteous throughout. **The Clerk should take minutes, which must be confidential under "Part 2" procedure.**

The Complaints Panel can:

- uphold the complaint in full or in part, and make recommendations to the Governing Body for action
- **or**
- decide to recommend no action be taken and give reasons for the decision.

Having come to a decision about the complaint, the Panel may additionally refer issues of principle or general practice to another forum, such as the Governing Body, or to an individual such as the Headteacher.

The Clerk will send the Complainant, Headteacher, Chair of Governors and Director of Children's Services a letter with the outcome of the meeting within seven days of the meeting.

The Director of Children's Services has the right, under this procedure, to have a representative present at all stages of the Governing Body Complaints Panel meeting and to have a copy of all associated paperwork.

No further appeal to the Governing Body is available in the matter of the complaint.

In respect of a grievance arising from a member of staff, this will be heard separately under existing grievance procedures.

Stage 5 - Complaint to the Local Authority

If the Complainant wishes to pursue the matter further, the Local Authority (Plymouth City Council) will only consider the case if the complaint is one deemed relevant under Section 409 Education Act 1996 (Complaints and enforcement). Such a request must be addressed to the Director of Children's Services and be received within fifteen days of the date of the letter from the Clerk giving the outcome of the meeting.

The Local Authority has a statutory responsibility to consider a relevant complaint about the curriculum which has not been resolved by the Governing Body.

It may be difficult to agree whether a complex complaint is subject to the statutory arrangements for curriculum complaints (see "Arrangements for the Consideration of Complaints about the School Curriculum and Related Matters"). The Director will therefore take the advice of the City Solicitor as to whether the complaint may be considered.

There is no further appeal to the Local Authority.

Stage 6 - Complaint to the Secretary of State or Local Government Ombudsman

If a Complainant wishes to pursue the complaint he/she has recourse to the Secretary of State or Local Government Ombudsman.

The City Council will advise on the procedure to be followed in those cases.

Reviewed by Business Governors, May 2015