

## The St Mary Federation Complaints Procedure

Section 29 of the Education Act 2002 states that governing bodies are required to have in place a procedure for dealing with complaints.

### **General Guidance**

- *Research shows that someone experiencing an unhappy situation with an organisation is likely to tell up to 10 other people about his/her negative experience. In terms of the reputation of a school this will relate to people within the local community, other parents, friends and relatives.*
- *However, someone having a good experience of how an issue is handled will tell up to 10 people about his/her positive experience.*
- *How an issue is handled gives people a clear idea of how committed the school and governing body are to giving the best possible provision.*
- *Issues need to be dealt with by parents, carers or guardians and a school as calmly, courteously and as quickly as possible.*
- *School staff must always give consideration to their own safety*
- *Guidance and procedures are available regarding violence at work in Section 8 of the Children's Services Health and Safety Manual.*
- *Schools and governing bodies may wish to discuss a way of obtaining feedback from parents which could allow for some issues to be dealt with before parents feel it necessary to raise concerns with the school.*
- *Concerns and complaints should be viewed positively as data gathered can be used to inform school evaluation and future plans and strategy.*
- *Parents, carers and guardians are reminded to let teachers and Executive Headteachers know when the school has done something they are pleased with.*
- *Skills that can be used to show understanding of and to resolve the concern or issue are: Listening and probing for specifics; Clarifying ambiguities ; Separating out multiple concerns; Repeating back to check understanding; Discussing realistic solutions*

**It is important that the school keeps a written record of any meetings that take place regarding an issue or complaint.**

***Allegations of abuse*** against a member of the school staff must be reported to the Executive Headteacher immediately. Allegations of abuse against the Executive Headteacher must be reported to the chair of governors immediately. In all cases the Children's Services information taken from Safeguarding Children in Education (issued November 2005 ref:DfES/0027/2005) must be followed. Contact must be made by the Executive Headteacher or chair of governors with the Children's Services Education Officer (Child Protection).

## **A Procedure for handling concerns and complaints The St Mary Federation**

All schools in Norfolk want their pupils to be healthy, happy and safe, and to achieve. They recognise that parents, guardians or carers play an important part in making this happen. Cooperation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in the school.

Each level of the procedure set out below offers the opportunity for concerns and complaints to be resolved as quickly as possible.

### **Level 1 – informal**

**Parents, carers or guardians should, in the first instance, make an appointment to speak to the class teacher about the concern. It is best to resolve issues at this point.**

#### ***Guidance on informal level 1:***

- *Concerns should initially be handled informally in a manner that offers the best way of resolving issues.*
- *A class teacher should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.*
- *It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.*
- *The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.*

### **Level 2 - informal**

**Parents, carers or guardians dissatisfied with the result of the discussions with the class teacher should ask for an appointment to meet with the Executive Headteacher or a member of the leadership team.**

**If the concern or complaint is specifically about the Executive Headteacher, then it will be necessary for the complainant to approach the Chair of Governors.**

**If a resolution to the issue is proving difficult to find, the Executive Headteacher or a member of the leadership team can speak to one member of the governing body about the issue who may be willing to offer informal intervention. However, there is no obligation on any governor to become involved at this level.**

**If everyone involved is unable to resolve the issue then it may be necessary to ask for information or support from a Children's Services Representative. The issue that is the focus of the complaint will determine the person contacted. The Executive Headteacher, member of the leadership team, deputy Executive Headteacher or assistant Executive Headteacher should know who to ring or the Customer Service Centre will be able to offer information on 0344 800 8020 or e-mail: [information@norfolk.gov.uk](mailto:information@norfolk.gov.uk)**

### **Guidance on informal level 2:**

- *It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the teacher then he/she can ask for an appointment to meet with the Executive Headteacher or a member of the leadership team.*
- *It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.*
- *The aim should be that discussions end on a positive note with no bad feeling.*
- *It is good practice for the Executive Headteacher or member of the leadership team to write a letter to parents summarising what has been agreed regarding the issue.*
- *The Executive Headteacher or member of the leadership team may feel that a particular governor's input would be helpful in bringing about a resolution but there is no obligation on any governor to become involved at this level.*
- *The advice from a Children's Services Representative will be designed to help facilitate a resolution to the problem as quickly as possible.*

***It is hoped that most problems will have been resolved by now.***

### **Level 3 – formal complaint letter to Executive Headteacher**

**An issue that has not been resolved through the informal levels 1 and 2 can become an official complaint.**

**Parents, carers or guardians wishing to move to level 3 must write a formal letter of complaint to the Executive Headteacher. The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer or guardian considers the issue to be unresolved.**

**The Executive Headteacher should consider the complaint and discuss a resolution with the complainant. The Executive Headteacher should offer a resolution to the complainant in writing within 10 school days of receipt of the letter.**

### ***Guidance on level 3- formal:***

- *An unresolved issue can now move to a formal complaint. This is a serious step to be taken. In consideration of future home/school relationships everyone concerned will need to negotiate an agreement and concentrate on finding a resolution to the issue.*

### **Concerns or complaints specifically about the Executive Headteacher.**

**The decision that the Executive Headteacher has made as a result of the complaint does not become a complaint about the Executive Headteacher. If the complainant feels the complaint has not been resolved he/she should proceed to Level 4, a Governors' Complaints Panel.**

**If, the concern or complaint is specifically about the Executive Headteacher and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of Governors. The school will provide the Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt and contact a Governor Support Service Officer for advice.**

## Level 4 – formal complaint requesting a Governors’ Complaints Panel.

### Time Scales:

<b>Receipt of complainant’s letter</b>	<b>Acknowledgement within 5 school days</b>
<b>Receipt of complainant’s letter</b>	<b>Governors’ Panel meeting within 15 school days (unless this goes into school holidays)</b>
<b>Written documentation sent to Governors’ Panel Members and complainant and Executive Headteacher</b>	<b>5 school days before meeting.</b>
<b>Governors’ Panel members decision communicated to all concerned</b>	<b>As soon as possible but within 10 school days of meeting.</b>

Complainants wishing to move to level 4 of the formal complaints procedure will need to write a letter to the Chair of Governors to request that a Governors’ Complaints Panel meets to hear the complaint. This formal complaint letter must be received within 10 school days of the last meeting with the Executive Headteacher concerning the issue. The complainant should write to the Chair of Governors at the school address marking the envelope ‘urgent and confidential’. The letter will need to set out the complaint that has previously been formally discussed with the Executive Headteacher and show why the matter is not resolved.

### Before the meeting:

The chair of governors should appoint a clerk to the Governors’ Complaints Panel, acknowledge the complainant’s letter in writing within 5 school days of receipt and arrange for a panel of governors to meet within 15 school days of receipt. It must be recognised that if the letter is received within 14 school days to the end of term it may not be possible to organise the governors’ panel meeting. In this case the matter should be dealt with within 10 school days of the school reopening.

The Executive Headteacher should be given a copy of the complainant’s letter and written documentation should be requested from the school. The clerk should send both the complainant’s letter and the school documentation to the Governors’ Complaints Panel members, complainant and Executive Headteacher (and anyone else involved in the meeting) at least 5 school days before the date of the meeting.

The complainant and Executive Headteacher will be invited to attend the Governor’s Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

### At the meeting:

The complainant and Executive Headteacher (or his representative) should provide all the relevant information they wish and the Governors’ Complaints Panel members should clarify any points. After the complainant and Executive Headteacher (or his representative) have provided all the information they wish, the chair will ask all parties to leave except the panel members and the clerk.

## **After the meeting:**

The Governors' Complaints Panel will write to all concerned within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the Governor's Complaints Panel is final.

The decision of the Governors' Complaints Panel will not be investigated. If, however, the complainant feels that the School and Governors have not followed the school's complaints procedure correctly, he/she can contact a Children's Services Officer for assistance. In this case he/she should ring Customer Services on 0844 800 8001 who will arrange for an officer to get back to him/her.

Chapter 3, paragraph 14 of a Guide to the Law for School Governors states: under the Education Act 1996, paragraphs 496 and 497, anyone can complain to the Secretary of State for Education and Skills if he or she believes that a governing body is acting "unreasonably" or is failing to carry out its statutory duties properly. However, intervention can only occur if the governing body or the Local Authority 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.

## **Guidance on level 4 - formal:**

### **Before the meeting:**

- *The formal complaints letter should be passed to the vice-chair if the chair will be unable to receive the letter within 5 days.*
- *Members of the Governors' Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that staff governors will be members of the panel.*

### **At the meeting:**

- *The Complaints Panel must be made up of at least three members and a clerk.*
- *Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.*
- *Everyone attending should be in the room at the same time*
- *Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.*
- *The clerk should take notes of the meeting, listing who is present:*
  - Governors, stating who is the Chair of the Governors' Complaints Panel*
  - Executive Headteacher (or his/her representative) and any other members of school staff*
  - Parents and anyone accompanying them e.g. friend*
  - Clerk*
- *The chair of the Governors' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.*
- *People present should introduce themselves stating their reason for being at the meeting.*
- *The chair of the Governors' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why s/he feels the issue has not been resolved. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the parent's point of view.*
- *The chair of the Governors' Complaints Panel should request a verbal statement from the Executive Headteacher (or his representative) in support of his/her written account of the*

*complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the Executive Headteacher's point of view.*

- *The members of the Governors' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.*
- *The chair of the Governors' Complaints Panel must ask the complainant and the Executive Headteacher (or his representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.*
- *When the Governors' Complaints Panel members understand all the issues, the chair will ask all parties to leave except the panel members and the clerk.*

**After the meeting:**

- *The Governors' Complaints Panel members then discuss the issues in private and the clerk remains to record the decision.*
- *The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.*
- *When the Panel have reached a decision the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within 10 school days of the panel meeting.*

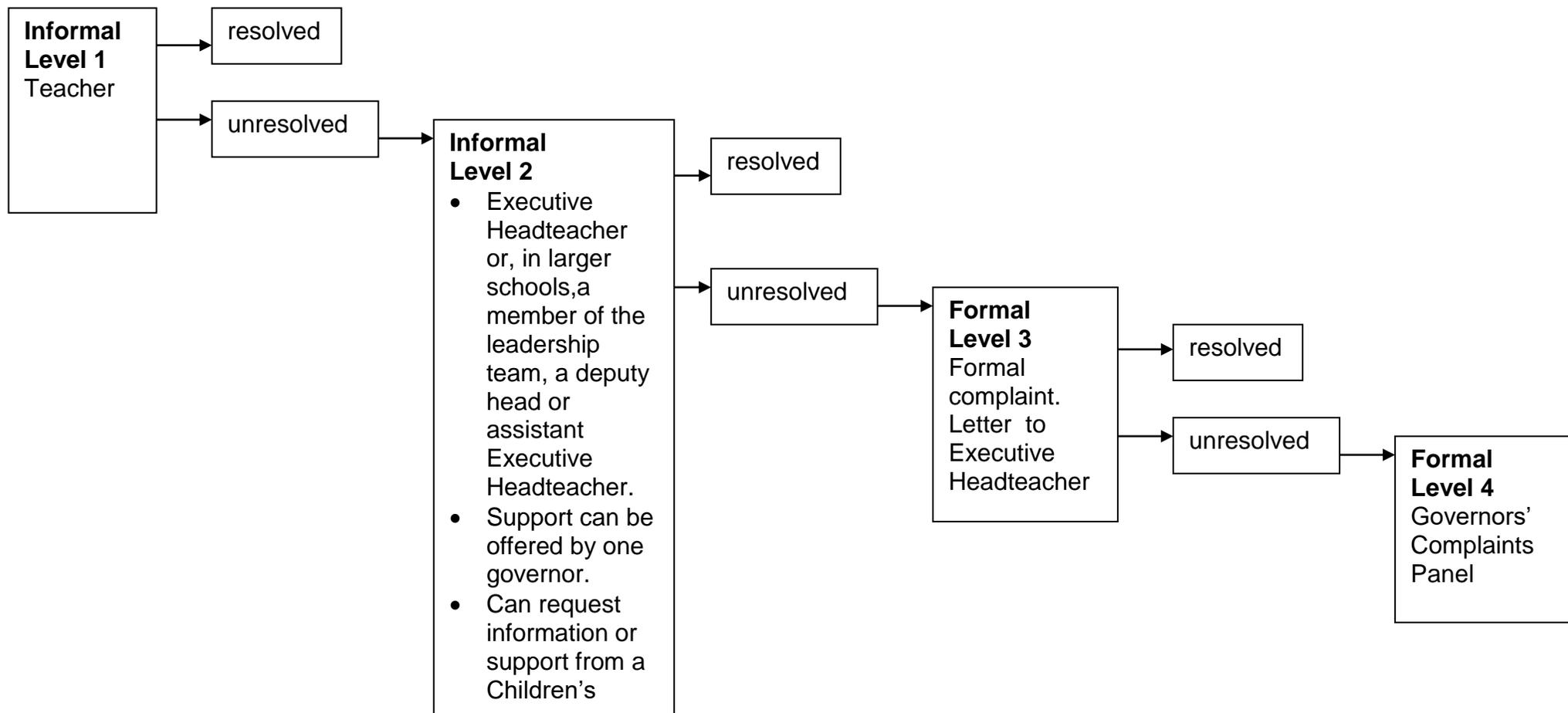
*The decision of the Governor's Complaints Panel is final.*

- **Once a Governor's Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the chair of governors should inform the complainant that the matter is closed.**
- **Any complaints concerning the conduct of school staff will be handled in accordance with the schools internal disciplinary procedures. The details of such an investigation will remain confidential.**
- **Some complaints regarding admissions, the curriculum or special educational needs are covered by statutory regulations. The Executive Headteacher or deputy Executive Headteacher can give information about these issues or advice can be sought from the Customer Service Centre on 0344 800 8020 or e-mail: [information@norfolk.gov.uk](mailto:information@norfolk.gov.uk)**
- **Extended Schools: the governing body should ensure that any third party provider offering activities and services through the extended schools programme has their own complaints procedure in place. Governors would need to have a discussion around, and make a decision about, what happens when the third party provider's complaints process is exhausted and the matter is not resolved and whether it should then be referred to a Governors' Complaints Panel. This would ensure that the Governors are kept aware of complaints about provision.**

**Vexatious Complainants:** *it is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered as to whether it is vexatious or genuine. There is no way of avoiding evaluating each complaint.*

**Please see the next page for flowchart.**

**Flowchart of procedure for handling concerns and complaints:**



*Reviewed September 2015*