



Procedure for Dealing with General Complaints

This procedure has been approved by the Governing Body

GENERAL COMPLAINT PROCEDURE for PEARL HYDE COMMUNITY PRIMARY SCHOOL

The person responsible for managing complaints (Complaints Co-ordinator) is the Head teacher.

STAGE 1 - THE FIRST CONTACT: GUIDELINES FOR DEALING WITH CONCERNS AND COMPLAINTS INFORMALLY

There is an expectation that every effort will have been made to resolve a concern/complaint informally before escalation to Stage 2 can be considered.

If anyone has a concern/complaint it may be registered either verbally or in writing. If the member of staff first contacted cannot immediately deal with the matter, they will make a clear note of the date, name, contact address, phone number and brief details of the concern/complaint. It is good practice to agree the written note of the complaint with the complainant. This information will be passed to the Complaints Co-ordinator at the earliest opportunity and recorded in the school's log.

An opportunity will be given to the complainant to discuss the concern/complaint with an appropriate member of staff, who will clarify the nature of the concern/complaint and the outcome required.

The Complaints Co-ordinator will identify the appropriate procedure and either conduct the investigation themselves, or nominate an appropriate colleague to do so. The Co-ordinator will communicate verbally with the complainant to ensure they are clear about what action or monitoring of the situation has been decided on, only putting this in writing if this seems the best way to make things clear.

STAGE TWO - FORMAL REFERRAL TO THE HEAD TEACHER

If the complaint is about the Head teacher, or the Head teacher has been so involved as not to be impartial, the complaint must be put in writing and addressed to the Chair of the Governing Body and sent to the school address.

Otherwise:

The complaint should be submitted in writing to the Head Teacher. (*The attached complaint form may be used*). Help for the complainant can be obtained from the Children, Learning and Young People's Directorate, Customer Liaison Officer, with the writing of the complaint. Telephone 024 7683 1569.

Help and guidance for the investigating officer can be obtained from the Education and Learning Service; contact the nominated Education Improvement Adviser in the first instance.

Where the Head Teacher has acted as Complaint Co-ordinator at Stage One, another senior member of staff may be designated to collect some of the information from the parties involved, or another senior member of staff may be nominated to be the Investigator.

The complaint will be acknowledged in writing within **five school days**, giving the name of the person who will conduct the investigation and a target date for providing a response, usually within **10 school days**.

The investigator may ask the complainant to meet with them to give extra information or to explain any information provided previously.

Once all the relevant facts have been established, the Head Teacher or designate will provide a written response.

The written response will include:

- a full explanation of the decision reached and the reasons for it.
- where applicable, what action the school will take to address the complaint and prevent recurrence.
- information on how and the timescale to request a review by the governing body, if not satisfied with the outcome.

STAGE THREE - GOVERNING BODY REVIEW OF HEAD TEACHER'S OR CHAIR'S INVESTIGATION

A request to review a complaint investigation should be made in writing to the Chair of the Governing Body within **20 school days of the date of the outcome letter** and should give the reasons for requesting a review.

For example:

- a claim that material information was not taken into account in investigating the complaint
- a claim that procedures have not been properly applied in handling the complaint
- a claim that there has been an incorrect interpretation of Council or school policy

As much detail as possible should be provided. If insufficient detail is given this may result in a delay, or a request being made for further clarification.

The Governing Body will then nominate three members to form a Complaints Panel to review the complaint and any further documents submitted by the complainant. These must be governors who have had no prior involvement with the complaint.

The Clerk will convene the Complaints Panel hearing within **20 school days of receipt of the review request** and at the same time provide panel members with copies of all relevant correspondence and documentation.

The Complaints Panel can set time limits for both sides to present their case and for the length of the hearing overall. These will be communicated to everyone involved by the Clerk.

The complainant, the Head teacher and other witnesses will be given a minimum of **5 school days** notice of the hearing. The complainant will be advised of their right to bring a friend, or to be represented by someone of their choice.

The Outcome of a Review may include:

- upholding the result of the original investigation.
- upholding the result of the original investigation, but making recommendations for improving practices.
- finding the complaint was justified and overturning the original decision.

The Chair of the Panel will notify the complainant in writing of the outcome of the review and of any action to be taken, within **7 school days** after concluding the review. The complainant will also be advised of any right of further appeal, e.g. Governors Appeal Committee, to the Local Authority, Secretary of State, or Local Government Ombudsman.

The Chair will ensure that any required action is put in place.

Unreasonable Behaviour by Complainants

If a complainant acts in an unreasonable manner, for example:

- taking actions that are out of proportion to the nature of the complaint
- pursuing a complaint in an unacceptable manner by using threatening, intimidating or abusive language or behaviour
- continuing to pursue a complaint once the complaints procedure has been exhausted

The Head Teacher/ Chair of the Governing Body may inform the complainant that their behaviour is unacceptable and take any action appropriate to limit the impact of the complainant's behaviour on the school, its staff and its representatives. This could ultimately include limiting the complainant's contact with the school to written communication with a named individual unless in an emergency.

**School Complaints Procedure
Complaint Form**

Data Protection Act 1998

The personal data that you provide will be used for the purposes of investigating your complaint and for producing statistical data to enable the school's management to monitor the effectiveness of the school's complaint procedure. The information you give will be held securely and in confidence.

Please complete and return to the headteacher (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

(Mr/Mrs/Miss/ Ms/Other)

First Name:

Last Name:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

If the complaint relates to a pupil, please give:

Pupil's name:

Your relationship to the pupil:

Please give details of your complaint.

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

What would you like us to do to make improvements or put things right?

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

Signature:

Date:

BACKGROUND AND ADVICE TO INVESTIGATING OFFICERS AND COMPLAINTS PANELS

Section 29 of the Education Act 2002 requires that the governing body of a maintained school (including a maintained nursery school) has 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.**

Publicising the School Procedure

Please see Document – General Complaint Procedure.

It is for the Governing Body to decide how to fulfil this requirement, but details could be included in:

- the school prospectus
- the school's website
- the governors' report to parents
- the information given to new parents when their children join the school
- the home-school agreement
- home-school bulletins or newsletters
- documents supplied to community users including course information or letting agreements
- a specific complaint leaflet which includes a form on which a complaint can be made
- posters displayed in areas of the school that will be used by the public.

Scope of the General Complaint Procedure and Other Specific Complaint Procedures

Parents may be the source of the majority of complaints, but other individuals or organisations with which the school has contact are also potential complainants.

Complaints that are covered by other specific procedures, some of them statutory and listed below **should not be considered within the General Complaints Procedure**. If during the course of an investigation it becomes clear that the subject of the complaint falls into one of the following procedures, the Investigating Officer must **immediately** halt proceedings and adopt the appropriate procedure before recommencing.

Complaints covered by specific procedures include:

- Child Protection (up to age 18) - there must be no delay in reporting any allegation or suspicion, whether verbal, written or anonymous, to the Safeguarding Children Service, or to the Police Child Protection Team and to the Local Authority Designated Officer. Coventry Safeguarding Children Board Guidance on Inter-Agency Procedures is available on the Coventry Learning Gateway - <http://clg.coventry.gov.uk/ccm/navigation/leadership-and-governance/safeguarding-children-in-education/>
- Admissions
- Curriculum
- Religious Education
- Exclusions
- School charging policy
- Special Educational Needs
- [Complaints](#) made by Children and Young People
- Complaints against Named Employees – If at any stage an investigation leads you to believe that it may be appropriate to take disciplinary proceedings you should notify your HR Adviser who will give advice and support your investigation.
- Employee Grievances
- Theft or Fraud or Financial Mismanagement
- Recruitment and Selection for Employment
- Education Grants and Awards
- Data Protection/Freedom of Information breaches – seek advice from the Council's Legal Services
- Complaints about Individual Governors - In certain instances it may be appropriate to deal with the complaint by following other procedures and these are specified in Regulations. Advice on when this might be appropriate and how such matters can be formally dealt with by the chair of governors and/or the governing body as a corporate body is contained in the ***School Governance (Procedures) (England) Regulations 2003, regulation 15 Suspension of governors*** and ***GSS5 - A Model Code of Practice for governing bodies***.**

Where the complaint is of a more general nature, then the general complaints procedure should be applied. The Chair of Governors, or if the complaint is about the Chair, the Vice Chair of Governors or another designated governor should investigate the complaint following the procedures laid out in the remainder of this guidance. They should seek advice from, as appropriate, the Head Teacher, the appropriate Local Authority officer within the Education and Learning Service or the Governor Support Service.

If there is a possibility of a claim for compensation or of legal action being brought, advice should be sought from the Council's solicitor on the wording of the letter.

General Principles

An effective procedure will:

- encourage the resolution of problems by informal means whenever possible, but provide the formal mechanisms for dealing fairly and effectively with complaints, which have proved impossible to settle informally, **or** which are about such serious matters as to warrant formal investigation
- be easily accessible and publicised
- be simple to understand and use
- be impartial
- allow swift handling within established time limits for action and will keep all key people informed of progress
- respect people's desire for confidentiality and ensure the principles of the Data Protection Act are adhered to throughout and after the investigation
- address all the points at issue and provide an effective response and appropriate redress where necessary
- provide information to the school's management so that services can be improved

To Whom Should Complaints be made

It should be clear to whom complaints should be made in the first instance. In the case of small schools this will usually be the Head Teacher. In larger schools, the Head Teacher may nominate another senior member of staff to be a "Complaints Co-ordinator".

Governors approached by a complainant should refer them to the Head Teacher or Chair (see below), unless they have been allocated responsibility by the governing body for acting as an advocate for parental complaints.

The Chair of the Governing Body should be the first person in the school approached in cases which could involve disciplinary or legal action against the Head Teacher.

Roles and Responsibilities

The Complaints Co-ordinator should seek to resolve the complaint informally in the first instance. If this is not possible and the complainant registers a formal complaint, the Co-ordinator may themselves carry out an investigation, or nominate another appropriate colleague. Where the Head Teacher is the Complaints Co-ordinator, it is good practice to ensure that another senior member of staff carries out the investigation, so that the Head Teacher can remain objective if further action, which might include disciplinary procedures, is necessary.

The investigator must be sufficiently aware of the issues to be able to carry out a thorough investigation, but at the same time not be directly involved, so that they can be impartial. They must keep an open mind and have appropriate interpersonal skills to establish rapport with interviewees and obtain all relevant information.

The investigation of complaints against employees is the responsibility of the Head Teacher as manager of the school. Head Teachers will need to ensure that their Governing Body is briefed on complaints received, but must bear in mind the following:

- the need to ensure appropriate confidentiality for any named employees;
- that governors are not compromised in respect of their role in dealing with disciplinary action against, or grievances from employees of the school;
- that sufficient governors are kept separate from the complaint to be able to establish an appeal committee, in the event of the complainant wishing to lodge an appeal against the outcome of the first hearing.

Formal complaints to the governing body should be made to the Chair, who must take care that no governor can be accused of prejudice or influence, by ensuring that:

- the complaint is quickly referred to the Head Teacher if procedures at that level have not been exhausted, or to a relevant committee of the governing body
- governors taking up a complaint on behalf of an individual or group should not take part in any formal hearing of a complaint, or an appeal against the outcome of an investigation
- individual complaints should not be raised at full meetings of the governing body, unless the meeting forms part of the complaint procedure
- the complaint is not reported to the whole governing body until it is resolved and then not in detail
- all parties to the complaint are given a fair hearing
- the decision of the committee is given in writing to the complainant
- the complainant is told of any right of appeal, if the decision is taken not to uphold the complaint.
- If remedial action is required as a result of the outcome of a complaint investigation it should be put in hand quickly. It should be identified who is responsible for carrying out and monitoring any recommended action.
- Consideration should be given to updating the complainant as to how the recommendations are being progressed and monitored.
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Time Limits

Complaints need to be considered and resolved as quickly and efficiently as possible for the sake of all concerned. An effective procedure will have realistic time limits for each stage. It is good practice to let the complainant know the date by which they should receive a response. Where further investigations are necessary a new response time can be set. It is important to ensure that the complainant is given an explanation for the delay and informed of the new date for response.

Anonymous Complaints

Anonymous letters or telephone calls may be received. Where there is no obvious way of determining the source, they must be treated with suspicion. It does not follow however, that information from an anonymous source is unreliable. Employees and others can sometimes observe, or discover wrongdoing, but may fear reprisals, intimidation, or disapproval by their peers, if they openly bring it to the attention of management. Information received anonymously should be used as a trigger to carry out an investigation. It is especially important to collect firm evidence before instigating any formal proceedings.

Whistle Blowing

The City Council has adopted a Whistle blowing Policy, which is easily accessible via the Intranet. The Whistle Blowing policy exists to help individuals raise concerns over any wrongdoing relating to unlawful conduct, financial malpractice or dangers to the public or the environment. It does not apply where employees are aggrieved about their own personal position – in such instances the Grievance procedure applies. The Whistle Blowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.

Petitions

There are complaints made by way of a petition organised by a group of people drawing attention to poor service, lack of service or registering dissatisfaction about a decision of the Council. The process for dealing with petitions is set out in the Council's Standing Orders, which enable a councillor to present a petition. Advice on how to respond to a petition should be sought from the City Council's Legal Services Team.

Unreasonable Behaviour by Complainants

The speedy and efficient application of the Complaints Procedure should help to reduce the number of discontented complainants. Some complainants may still behave in an unreasonable manner and the Head Teacher/ Chair of the Governing Body may then need to take action to regulate or limit the complainant's contact with the school, its staff and its representatives.

Children and Young People Making Complaints

No child however young should be refused the right to complain about anything they are concerned about. It is important that children are listened to and taken seriously. The Children Act 1989 lays down special guidelines for local authorities to follow about dealing with the complaints of "children in need". These include a requirement to appoint an independent person to shadow an investigation into a complaint, which relates directly to the child's welfare. Such complaints will mainly involve the Children, Learning and Young People's Directorate and the Directorate's Safeguarding Children Service will give advice on the application of complaints procedures.

Coventry believes in the right of children to influence the planning and design of children's services. The Children's Champion provides an independent voice at a strategic level to support services within the City to involve children and young people in decision making, and also provides a means by which children can raise concerns, complaints or compliments. This can be done by contacting the Children's Champion on 024 7683 1432. However, please note that this does not over-ride the school's formal complaint procedure.

Appeals beyond the Governing Body

If a complainant remains dissatisfied with the outcome of a complaint to a community school, they may ask the LA for a review. This will be limited to discharging the Director's responsibilities for ensuring standards are monitored and maintained, determining whether or not the complaint was investigated thoroughly and fairly and that any remedial action was appropriate and carried out. The Director will nominate a senior officer to carry out the review. Appeals can also be made to the Local Government Ombudsman and the Secretary of State.