



Little Missenden CE Infant School School Complaints and Resolutions Procedure

Autumn 2020

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Contents

| | |
|--|-------------------------------------|
| INTRODUCTION | 1 |
| AIMS AND OBJECTIVES | 1 |
| AREAS NOT COVERED BY THIS PROCEDURE..... | 2 |
| STAGE 1 – INITIAL CONCERNS | 2 |
| STAGE 2 – FORMAL PROCEDURE..... | 2 |
| COMPLAINT FORM | 3 |
| STAGE 3..... | 4 |
| OUTCOME OF THE PANEL HEARING..... | 4 |
| MONITORING AND REVIEW | ERROR! BOOKMARK NOT DEFINED. |
| FLOWCHART SUMMARY | 4 |
| APPENDIX ONE - COMPLAINT FORM | 10 |
| APPENDIX TWO - AT THE PANEL HEARING | 12 |

Introduction

Our governing body has adopted this procedure to deal with concerns or complaints from members of the school community or general public.

Aims and Objectives

Our school aims to be fair, open and honest when dealing with any complaint and to resolve it through open dialogue and mutual understanding.

Careful consideration will be given to all concerns and complaints and we will deal with them as swiftly as possible. We will provide sufficient opportunity for any complaint to be fully discussed. For the purpose of this procedure, concerns and complaints are defined as follows:

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*

In all cases we will put the interests of the child above all other issues.

Our procedure is underpinned by the following **framework of principles**: -

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to use and understand
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality, wherever possible (some information sharing may be necessary to carry out a thorough investigation)
- address all points of issue, providing an effective response and appropriate redress, where necessary
- provide information to the school's senior management team so that services can be improved.

Timescales

The complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame, only if exceptional circumstances apply.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

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If a complainant commences legal action against Little Missenden CE Infant School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Areas not covered by this procedure

This procedure does not apply to issues concerning the curriculum, collective worship, admissions, exclusion appeals, decisions about your child's special educational needs, whistleblowing or grievances by school staff. These are the subject of separate complaints procedures.

In addition, Ofsted has the power to investigate certain (qualifying) complaints about maintained schools, including those from parents. A qualifying complaint is one that affects the whole school, not an individual. More information can be obtained from the school or Ofsted.

All other complaints are handled by the school according to the arrangements set out below.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Stage 1 – initial concerns

If you have any concerns about the school, or the education we are providing at any time, please discuss the matter with your child's class teacher at the earliest opportunity. Please do not publicise any concerns you have on social networking sites, but speak to someone at the school as soon as possible.

The school considers any concerns very seriously and most problems can be resolved following discussion and a shared understanding of the issues. All members of staff work very hard to ensure that each child is happy at school and is making good progress and they always want to know if there is a problem so they can help to resolve it.

Most concerns can be resolved at this level, however, if after speaking to the class teacher, you are still concerned, please discuss the matter with the Headteacher.

Stage 2 – formal procedure

Most concerns are resolved at Stage 1, however if you remain dissatisfied and wish to take the matter further, formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. The complainant will be asked to complete a complaint form (Appendix 1).

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days. Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

Complaint Form

The aim of the form is to ensure each party has a clear and common understanding of the complaint and includes a section on what actions might resolve the problem at this stage. It can be used by anyone making a complaint about the operation of the school which is not covered by an alternative procedure.

We are happy to provide the assistance of someone unconnected with the complaint, if you would like support in completing the form.

The form (see Appendix One) should be returned to the Headteacher, unless the complaint concerns the Headteacher or a governor, in which case it should be returned to the Chairman of the governing body at the school address, marking the envelope 'FOR IMMEDIATE ATTENTION'.

You will receive an acknowledgement of the receipt of your complaint form within 5 working days.

Investigation

An investigation will be carried out into the complaint and the way it has been handled by the school. This will include a review of any relevant documentation and information and seeking the views of relevant people, where necessary. The person undertaking the investigation will normally write to you with the outcome of this process within 15 working days of receiving the complaint.

If, at any time, it becomes apparent that the complaint is a disciplinary or capability issue, the matter will be dealt with by following the appropriate procedure rather than the complaints procedure. You will be notified if this is the case with your complaint, however, you are not entitled to know which procedure, or the final outcome, because of the right to confidentiality of the member of staff involved.

If, following the outcome of the investigation, you feel your concern has not been resolved, you may choose to refer your complaint to Stage 3 of the procedure. This must be done in writing to the school within 15 working days of the completion of Stage 2.

Stage 3

At this stage the complaint will be considered by a panel of 3 governors, who will meet to consider the complaint and make a final decision about it on behalf of the governing body.

The panel will consist of governors who have no detailed prior knowledge of the complaint, or connection with the complainant. The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs. The meeting will normally take place within 15 working days of your request.

You will have the opportunity to submit written evidence on the complaint prior to the meeting of the panel and also to attend, accompanied by a friend/partner if you wish, to put your case. The Headteacher will be given the same opportunities. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. Appendix Two outlines the process that will be followed at a panel hearing.

Outcome of the Panel Hearing

The panel will write to you with its conclusion within 5 working days of the meeting, and its decision is final.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

If you are still not satisfied, you may wish to put your complaint to the Secretary of State for Education and Skills, who can review whether the school has acted reasonably and followed the correct procedures. The address is Sanctuary Buildings, Great Smith Street, London, SW1 3BT.

Note: If, for any reason, the adopted procedures cannot be followed, the governing body, in consultation with the Local Authority/Diocese, will put in place an alternative fair process.

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information or analysing information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the Headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure

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- liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so, no governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

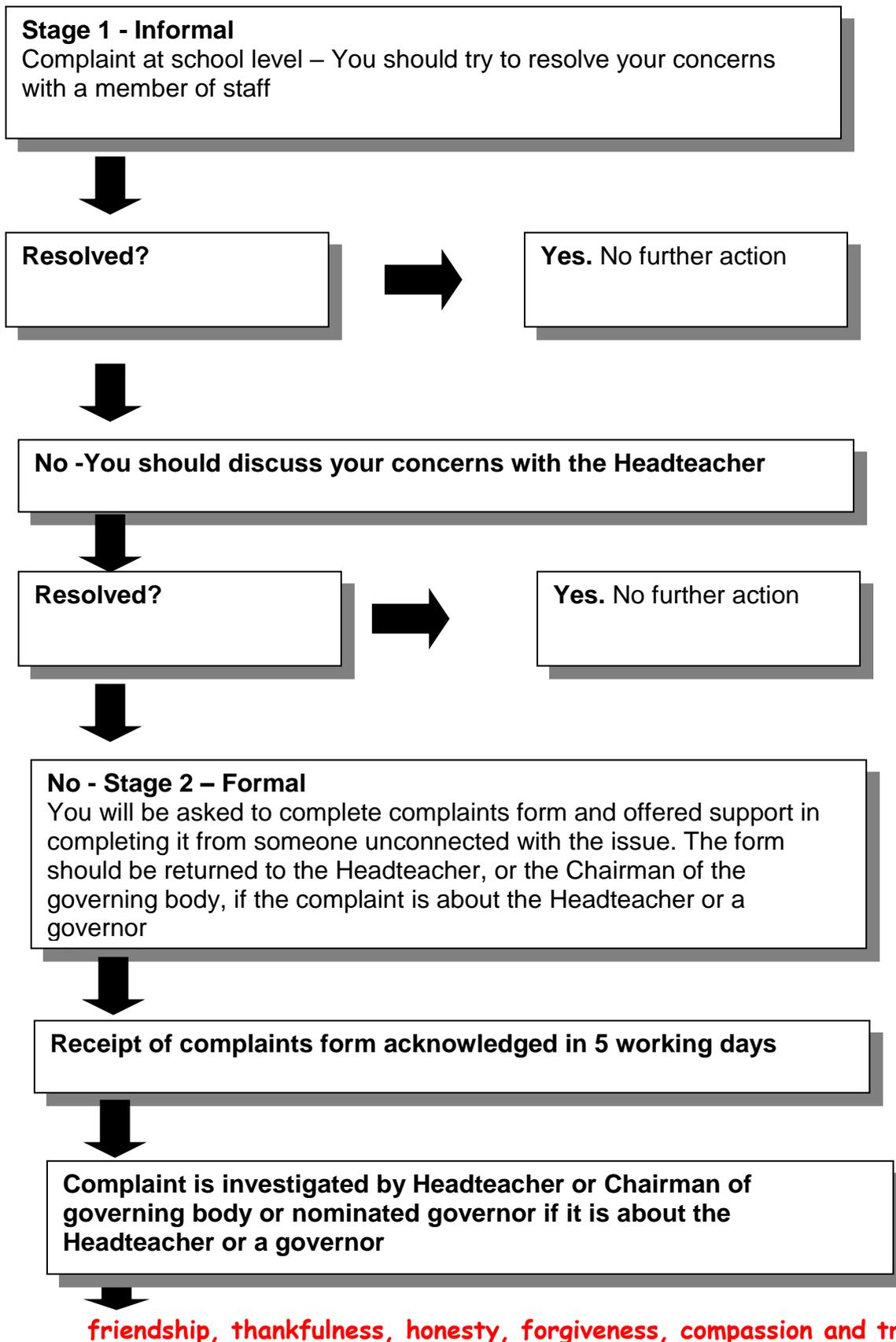
If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- The welfare of the child/young person is paramount

Flowchart Summary*

* Please refer to the procedure for more detailed information.





You will be informed of the outcome of the investigation within 15 working days of receiving the complaint



Resolved?



Yes. No further action



No - If you wish to take your complaint to Stage 3 of the procedure you will be asked to confirm this in writing within 15 work days of the completion of Stage 2



Governor Complaints Panel meets to consider your complaint with 15 working days. You will be asked to submit written evidence in advance and attend the panel meeting to explain the nature of your complaint



Panel will make a final decision on behalf of the Governing Body and writes to you within 5 working days



Resolved?



Yes. No further action



No - You can write to the Secretary of State of Education and Skills if you feel the school has acted unreasonably or not followed the correct procedures

Appendix One - Complaint form

Please complete and return to the Headteacher or Chair of Governors at the school who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give concise details of your complaint, including dates, names of witnesses etc, to allow the matter to be fully investigated

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

What actions do you feel might resolve the problem at this stage?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Appendix Two - At the panel hearing

- After introductions, the complainant will be invited to explain their complaint, and be followed by their witnesses (if any).
- The Headteacher/Chairman of Governors may question both the complainant and the witnesses after each has spoken.
- The Headteacher/Chairman of Governors is then invited to explain the school's actions and be followed by the school's witnesses (if any).
- The complainant may question both the Headteacher/Chairman of Governors and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher/Chairman of Governors is then invited to sum up the school's actions and response to the complaint.
- The Chairman of the panel explains that both parties will hear from the panel within five working days.
- Both parties leave together while the panel decides on the issues.
- The clerk remains to support the panel.