

# Victory Primary school



*Victory for all!*

## **Formal Complaints Policy**

**September 2019**

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### **Introduction**

The governing body of Victory Primary School is responsible for ensuring that complaints are addressed in an amicably manner. In this way the school is able to maintain a fair and responsible approach to the complaints they receive.

Complaints from members of staff will not be dealt with under this policy. Staff must use the Grievance policy instead, a copy of which will be provided by the Headteacher, on request.

### **Interpretation:**

- a) All references to parents includes prime carers and legal guardians
- b) All reference to “days” in this policy means ordinary working school days and excludes training days, bank holidays and days on which the school is closed for whatever reason.

If assistance with translation or writing is required, the school is not responsible for making appropriate arrangements.

All complaints will be dealt with in confidence and matters put to the governors’ complaints committee will remain confidential to those governors. (headteacher) or 4 (governors).

The form in appendix 1 must be completed if a complainant wishes to move to stages 3. The matter cannot progress without a completed form.

The governors will not consider a matter that has not already been investigated at stage 3.

### **2. General principles of this complaints policy**

The aim of the policy is to bring about a resolution and/or reconciliation, as informally and quickly as may be reasonably possible.

It is intended to be investigatory, not adversarial, and to allow for an impartial and fair investigation to be undertaken.

Complaints about a former member of staff will not normally be considered if it is more than three months since they stopped working at the school, unless there are exceptional circumstances. (The Chair of Governor is at liberty to decide what denotes 'an exceptional circumstance').

If an additional or separate complaint is introduced by the complainant or a witness during any stage of the investigation, that complaint must be referred for initial investigation by the head or governor as a separate matter.

A concern or complaint should be considered as soon as practicable.

Those investigating a concern or complaint should endeavour to address all of the points, provide an effective response and, where necessary, appropriate redress. This may include providing information to the school's senior management team so that improvements can be made.

Information about children is confidential. Parents wishing to see a child's file must make an appointment with the headteacher in the proper way, at a mutually convenient time, at the school.

Confidential personal documents relating to members of staff will not be disclosed.

Ideally, governors involved with the complaints process should receive training.

### **3. Complaints about staff employed to work at a school**

The headteacher of a school is responsible for the day to day management of the school and is the line manager of the staff employed in the school. Because of this, all complaints must be put to the headteacher first so that s/he can investigate them.

The headteacher may decide that a complaint should be dealt with under the separate Staff Capability or Disciplinary policies adopted by the governors. In this case, it is the head's responsibility to start those procedures. Personnel matters are confidential.

If the headteacher decides that this complaints policy applies, but there is a possibility that it could in the future lead to capability or disciplinary proceedings, the Head must advise the staff member of that possibility.

A member of staff against whom a complaint has been made should be given a copy of the complaint and informed that the headteacher will investigate it. They should be informed that they may be accompanied by a friend or trades union representative to the interview.

### **4. Complaints about the headteacher**

If a complaint is about the headteacher, the same procedure applies but, the complainant should go straight to stage 3 of this policy. Part 1 of the form in appendix 1 must be completed and sent either to the chair or clerk of the governing body.

A complaint against the headteacher will be investigated by the chair. If the chair is not eligible, then another eligible governor will be appointed to undertake the investigation and the chair would usually make that appointment.

## **5. Complaints about a governor**

If a complaint is about the chair of the governing body, the complainant should go straight to stage 3 of this policy. Part 1 of the form in appendix 1 must be completed and sent either to the vice chair or the clerk to the governing body.

If a complaint is about another governor, the complainant should go straight to stage 3 of this policy. Part 1 of the form in appendix 1 must be completed and sent either to the chair or the clerk to the governing body.

Governors, particularly those who are parents of children in the school and/or who know staff members who are involved personally, are urged to consider any potential conflict of interest before and during an investigation, and to discuss any concerns with the clerk, who is best placed to give impartial advice.

## **6. Concerns or complaints put direct to a governor**

Governors are reminded that they have collective responsibility and it is important that a governor receiving a complaint does not act or try to resolve it alone. Failure to comply with this policy and refer matters to the appropriate person can adversely affect the school's relationship with parents/carers and may have serious consequences. It will also bar the governor from sitting on a committee at a later stage.

Complaints must not be discussed by governors outside of the procedures under this policy (including discussion at governing body meetings). Such action may compromise the impartiality of any committee member.

### **Stage 1 – Formal direct to the staff member concerned**

A concern can be expressed in person, by telephone or in writing. The concerned person should tell the member of staff that they want to talk about a concern.

In most cases the matter will be resolved satisfactorily on the spot.

The concern becomes a complaint if the person concerned remains unhappy and wishes to take matters further. They should ask the member of staff for a more formal meeting when their complaint can be discussed fully.

### **Stage 2 – Formal direct to the staff member concerned**

The staff member will normally arrange to meet the complainant within three working days, at a mutually convenient time, in the school, in private and relaxed surroundings, to listen to the complaint with the aim of trying to resolve it.

If the complaint cannot be resolved and the complainant remains unhappy, the staff member must notify the headteacher of the matter within two working days.

To move to the next stage of the procedure, the complainant must complete part 1 of the form in Appendix 1 and, within three months of the original incident, either

- a) Give it to the headteacher, or
- b) If the complaint relates to the headteacher, send it to either the chair or the clerk of the governing body, or

- c) If it relates to the chair of the governing body, send it to either the vice chair or the clerk, or
- d) If it relates to another governor, send it to either the chair or the clerk of the governing body.

### **Stage 3 – Investigation by the headteacher**

#### **Notes:**

The head will decide whether a complaint should be dealt with under this policy or another.

If the complaint needs to be dealt with under another policy, the head will write to tell the complainant giving this decision within 7 school days and saying that s/he will deal with it as the manager.

For complaints that fall partly or wholly within this complaints policy, the procedure is given below.

#### **Within (school working days): 5 days**

Acknowledge receipt of the written complaint in writing or orally. Ask the complainant if they have any questions about the procedure and deal with them

#### **A further 10 days write to either**

- (a) Give the result of the investigation, or
- (b) Explain why this cannot be achieved within the 10 working days and give a revised target date.

#### **Within the 15 days**

If the complainant is dissatisfied with the headteacher's decision and/or the way in which s/he investigated the complaint and wishes the governors to consider the reason for their dissatisfaction, the complainant must complete part 2 of the form in Appendix 1 and send it to the chair or clerk of the governing body

#### **After those 15 days**

If part 2 of the form in Appendix 1 has not be received by the chair or clerk within 15 days of the date on the headteacher's decision letter, it will be assumed that the complaint has been resolved and laid to rest.

On receipt of a request to proceed to Stage 4 on the form in Appendix 1, the chair or clerk of the governing body should acknowledge receipt, preferably in writing. The chair should ask the clerk of the governors Complaints committee to arrange a "Stage 4" committee meeting – see below.

### **Stage 4 – Governors' complaints committee hearing**

The clerk will:

Within 5 days of receipt write to the complainant to acknowledge receipt of their complaint.

This letter should:-

- (a) Confirm that a meeting of the governors' complaints committee will be arranged within 20 working days of the date of receipt, and

(b) Request copies of any supporting information, the names of any witness(es) they wish to call and their written, signed and dated statement(s) by noon on a specific cut off time and date (usually 7 working days), and

(c) Advise of their right to be accompanied to the meeting by a friend/adviser/interpreter and that it is the complainant's responsibility to give copies of any documents to their friend/adviser/interpreter. Any delay in the complainant doing so, will not affect the proceedings.

(d) Enclose a copy of the complaints policy adopted by the Governors and, if part 2 of the form in Appendix 1 has not been completed, ask for it to be completed and returned. State that the matter will not proceed until it has been received.

Within 5 days of receipt similarly, ask the headteacher/chair/governor for their information, the names of any witness(es) they wish to call and their written, signed and dated statement(s) by the same specific cut off time and date (usually 7 working days). Advise of their right to be accompanied to the meeting by an adviser/representative. It is their responsibility to give copies of any documents to any adviser/representative. Any delay in doing so, will not affect the proceedings.

It is the head's decision whether or not to ask members of school staff to attend the meeting, subject to the discretion of the committee chair

Within 20 days of initial receipt arrange for the meeting of the complaints committee to be held within 20 working days, liaising with all parties for a mutually convenient date, time and location. The governors forming the committee should, as far as practicable, represent a balance of the governing body membership. It is helpful to include a parent governor. The headteacher cannot be a member of the committee.

Within 3 days after the first cut off date prepare a covering schedule of each sides documents, clearly numbering the pages, copy and distribute them to the committee members, headteacher/governor and complainant.

The clerk's letter distributing the papers to the complainant and head should specify a further 7 working day cut off for responses (as before), and state that it is very unlikely that any documents received later will be accepted by the committee.

Within 3 days after the second cut off date, prepare a covering schedule of each side's documents, clearly numbering the pages, copy and distribute them to the committee members, headteacher/governor and complainant, as before.

As soon as possible and at least 5 working days before the meeting date write to confirm the meeting date, time and location to the complainant, headteacher/governor and committee members. This letter must state that the meeting will go ahead in the absence of the complainant, unless a reason for absence acceptable to the committee is presented at the beginning of the meeting.

Attend and record the procedure followed at the meeting, the committee's decision and give a 'flavour' of the matters touched upon.

#### **Adjournments under stage 4, governors' committee hearing**

Once called, meetings cannot be adjourned without the agreement of the governors who form the committee. To consider a request for an adjournment, the committee must meet.

During a meeting, the chair may adjourn at any time to consult governors/advisers, or in response to a request, or allow time for composure etc. It is good practice to agree the duration of the adjournment and the time at which the parties should present themselves again for the meeting to continue.

If a meeting is adjourned to a future date, it is good practice to agree the date, time and location of the reconvened meeting before the parties leave. The clerk should be asked to make the necessary arrangements and confirm them in writing to all parties.

### **After the meeting**

#### **Within 15 days of the meeting.**

The committee's agreed written decision will be sent by the clerk to both the complainant and headteacher. The clerk's letter must state that the decision is final.

The clerk will prepare the minutes in the usual way, recording the procedure followed, the governors' decision and give a flavour of the meeting.

The school must ensure that a copy of the papers is kept in accordance with Southwark Education's retention policy.

**COMPLAINT FORM**

This form is to be used for stages 3 and 4 of the complaint procedure, after stages 1 and 2 have been explored. Part 1 must be completed and given to the Head within three months of the date of the incident arising. PLEASE WRITE CLEARLY.

<b><u>Name:</u></b>	
<b><u>Address</u></b>	
<b>Post code:</b>	<b>Signature:</b>
<b>Daytime tel. no:</b>	
<b>Date of the incident complained of:</b>	
<b>School's name:</b>	
<b>Date of receipt of this form under stage 3, and by whom:</b>	

**Part 1** - please continue on a separate sheet if necessary. Any supporting documents should be submitted with this form.

Please summarise your complaint:

**Please summarise what outcome(s) you seek:**

When you have completed the above, please send it to the headteacher with copies of any supporting documents. If your complaint is against the headteacher or a governor, send it to the chair of the governing body via the school, or to the clerk. If your complaint is against the chair, send it to the clerk to the governors at the address below.



## COMPLAINT FORM - Part 2

Please complete part 2 of the form if you want the Governors' Complaints committee to review the decision and/or the way in which the Head/Chair/Governor investigated your complaint, under stage 3. The governors will not consider the matter until it has been investigated at stage 3.

Please continue on a separate sheet if necessary. Send parts 1 and 2 of this form to either the school's chair of governors, or the clerk at the address below. Any supporting documents should be submitted with this form, including any witness statements.

Please summarise the reason(s) for your dissatisfaction:

**Please state what outcome(s) you seek:**

**The names of your witnesses must be given here:**

The procedure and strict deadlines are given in sections 13 and 14 of the complaints procedure. If part 2 (above) is not completed and received by the chair or clerk within 15 days of the date of the headteacher's decision letter, it will be assumed that the complaint has been resolved and laid to rest. The matter will not proceed to the governors under stage 4.

## CHILDREN'S SERVICES

### MODEL COMPLAINTS POLICY FOR SCHOOLS

#### MATTERS THAT ARE NOT COVERED BY THIS POLICY

**The following concerns and complaints cannot be considered under this policy. There are separate policies and procedures that deal with them.**

- 1 staff capability and/or disciplinary issues
- 2 admissions to schools
- 3 anonymous complaints, unless there are exceptional circumstances, for example serious concerns about child protection issues
- 4 spurious or vexatious complaints
- 5 special education provision
- 6 curriculum and religious worship (section 409 of the Education Act 1996)
- 7 curriculum at Pupil Referral units
- 8 pupil exclusion from school
- 9 school reorganisation proposals
- 10 the allocation of resources to service users according to agreed criteria
- 11 those covered by the Children act 1989
- 12 those that are the subject of legal proceedings, or have been so
- 13 those being considered by the Secretary of State under statutory power
- 14 those relating to a third party service provider, which must be referred to that person or organisation
- 15 when it is more than three months since the incident complained of is raised for the first time, unless it forms part of an existing concern or complaint under investigation
- 16 when it is more than three months since a staff member complained of left the employment of the school, except under the most exceptional circumstances

## CHILDREN'S SERVICES

### LEGAL FRAMEWORK

- 1 Section 29(1)(a) of the Education Act 2002, effective 1 September 2003. Web link to the Act – <http://www.legislation.hmso.gov.uk/acts/acts2002/20032--f.htm#29>
- 2 The decision of the governors' complaints committee is final. If a complainant believes that a governing body has acted unreasonably or failed to carry out its statutory duties properly, they may complain to the Secretary of State under sections 496 or 497 of the 1996 Act.

We would like to thank the National Association of Headteachers, Archdiocese of Southwark Commission for Schools & Colleges, and Southwark Diocese Board of Education for allowing us to draw on their model complaint policies and procedures.

**Reviewed September 2021**