

COMPLAINTS PROCEDURE

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

1.1 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher, SLT or Headteacher, depending on whom the parent first approached.

1.2 Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasions it may be appropriate for someone to act on behalf of a parent.

1.3 At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

1.4 Parents have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.

1.5 If the member of staff first contacted cannot immediately deal with the matter, s/he makes a clear note of the date, name, contact address or phone number.

1.6 Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been successful.

1.7 In smaller schools or on certain major issues, the Headteacher may decide to deal with concerns directly at this stage.

1.8 If the concern relates to the Headteacher, the parent is advised to contact the Chair of the Governing Body.

1.9 The staff member dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.

1.10 Where no satisfactory solution has been found within 10 days, parents are asked if they wish their concern to be considered further. If so they are given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

Stage 2: REFERRAL TO THE HEADTEACHER FOR INVESTIGATION

2.1 At this stage it has become clear that the concern is a definite complaint. In some cases the Headteacher has already been involved in looking at matter; in others it is their first involvement. In either case, it is helpful for the Headteacher (or the person delegated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

2.2 As Headteachers have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various "stages" in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person. Headteachers should make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example arrangements may be made for other staff to deal with parents' concerns at stage 1, while the Headteacher deals with contacts with parents at stage 2. Even at that stage the Headteacher may designate another member of staff to collect some of the information from the various parties involved. In some cases, Headteachers may be so involved at Stage 1 that Stage 2 has to be carried out by the Chair of the Governing Body.

2.3 The Headteacher (or designate) acknowledges the complaint orally or in writing within 3 working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. This should normally be within 10 working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.

2.4 The Headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.

2.5 If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved.

2.6 The Headteacher (or designate) keeps written records of meetings, telephone conversations, and other documentation.

2.7 Once all the relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

2.8 A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within five weeks of receiving the outcome letter.

2.9 If a complaint is against the action of a Headteacher, or if the Headteacher has been very closely involved at Stage 1, the Chair of the Governing Body should carry out all the Stage 2 procedures.

Stage 3: REVIEW BY THE GOVERNING BODY

3.1 Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary. At this stage the school will seek advice from the Local Authority to provide a useful "outside view" on the issues.

3.2 It is important that this review not only be independent and impartial but that it be seen as so. Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise; for example, in exceptional

circumstances a complaint may result in disciplinary action against a member of staff and governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned.

Similarly some governors might have previous knowledge of the problem which led to the complaint and would be unable to give fair unbiased consideration to the issue.

3.3 Many complaints are inevitably seen by parents as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure, and it may be appropriate for the Governing Body to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

3.4 Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed.

3.5 The Clerk to the Governing Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the school's Governing Body within 20 working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.

3.6 The Clerk to the Governors should arrange to convene a Governors' Complaints Panel elected from members of the Governing Body. It may be necessary for the Governing Body to appoint reserves to this Panel to ensure that three governors are available to carry out their task within the set time.

3.7 The Panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the Panel; otherwise the Vice-Chair should do it. Generally it is not appropriate for the Headteacher to have a place on the Panel. Governors will want to bear in mind the advantages of having a parent (who is a governor) on the Panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.

3.8 The Chair/Vice-Chair will ensure that the complaint is heard by the Panel within 20 working days of receiving the letter in 3.5. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel is confirmed.

If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to Panel members.

3.9 The Chair/Vice-Chair will write and inform the complainant, Headteacher, any relevant witnesses, and members of the Panel at least 5 working days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

3.10 The Chair/Vice-Chair of the Governing Body should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by

the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned -- including the complainant -- at least 5 working days prior to the meeting.

3.11 The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.

3.12 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.

3.13 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.

3.14 The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.

3.15 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

3.16 The meeting should allow for - the complainant to explain their complaint; and the Headteacher to explain the school's response - the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff about the school's response

- Panel members to have an opportunity to question both the complainant and the Headteacher - any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses - final statements by both the complainant and the Headteacher

3.17 The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, Head teacher, other members of staff and witnesses will then leave.

3.18 The Panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

3.19 A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.

3.20 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Stage 4: REVIEW BY THE LA or Ofsted Early Years

4.1 Some LAs do not get involved but others are willing to investigate complaints brought by parents of children at county schools. Two models are in fairly wide usage: independent panels and mediation services.

4.2 In the former case, if a complainant wishes to go beyond the governors complaints panel, the LA will set up an independent arbitration panel consisting of a councillor, a governor and a parent, none of whom would have had a connection with the school or the complainant. The members of the arbitration panel would be advised by a senior officer and would all have received training in or have previous experience of the working of appeals committees. Both parties would be encouraged to agree ahead of time to abide by its findings; if not, the arbitration panel can only express a view about the complaint and the means of resolving it. The arbitration panel has no legal basis for imposing its will.

4.3 Where mediation services are available, the statement sent to the complainant must explain that the decision of the Governing Body Panel is final but that there is an LA team of officers who offer consultation,

Stage 5: BEYOND THE LA

5.1 The Secretary of State: Complaints can be taken to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the grounds that a Governing Body or LA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LA for more information in order to consider the complaint. These powers relate to County Schools and Voluntary Schools and Grant-Maintained Schools and City Technology Colleges.

5.2 The Local Government Ombudsman: Complaints about the maladministration of Local Authority services including the way it operates any general school complaints procedure could be made to the Ombudsman. However the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.

CONCERNS AND COMPLAINTS

Guidance notes for parents

If you have a concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you are wanting to tell us, our support and respect for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago.

What to do first Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher or key worker. If you have a complaint which you feel should be looked at by the Headteacher or Business Manager in the first instance you can

contact them straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling in to the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

What to do next If you are dissatisfied with the teacher's or key worker's response you can make a complaint to the Headteacher or Daycare Manager. This should be made in writing. If your complaint is about an action of the Headteacher or Daycare Manager personally, then you should refer it to the Chair of Governors now. You can contact him/her by asking for details at the school office.

The Headteacher will ask to meet you for a discussion of the problem. Again you may take a friend or someone else with you if you wish. The Headteacher or Daycare Manager will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

If you are still unhappy. The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the governing body to ask for referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the panel at a meeting which the Headteacher will also attend.

Further action Complaints about school problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to an outside body such as the Family Information Service, Local Authority, Ofsted Early Years Directorate or the Secretary of State for Education and Employment.

Contact information Family Information Services - tel 0117 3574192

Email - askcyps@bristol.gov.uk

<http://www.1bigdatabase.org.uk/organisations/18631-bristol-family-information-service.pdf>

CYPS School Complaints Comments and Compliments

Room U27 PO Box 57

FREEPOST SWB203

Bristol BS99 7BR

• cypscomplaints@bristol.gov.uk

Tel : 0117 9223707

Ofsted Will not usually consider a complaint if you have not first followed the school's and local authority's complaints procedure. Contact their helpdesk, from 8am to 8pm, Monday to Friday. Phone 0300 1234 234, or email enquiries@ofsted.gov.uk. Staff on the helpdesk will discuss your concerns with you, advise you about whether to put your complaint in writing to us or suggest other ways to deal with your concerns. To make a formal complaint write to:

The Secretary of State can take action if a governing body has not carried out or fulfilled a statutory duty, or has acted unreasonably. The Secretary of State cannot do anything until the school has finished looking into the complaint.

<https://www.gov.uk/complain-about-school>

Local Government Ombudsman

If you believe there is a fault in the way your complaint has been dealt with, the second option is for you to write to the: <https://www.lgo.org.uk/>

Local Government Ombudsman
PO Box 4771
Coventry CV4 0EH

Phone: 0845 602 1983

Email: advice@lgo.org.uk

Website: [Local Government Ombudsman](http://www.localgovernmentombudsman.gov.uk)

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