



Highbury Primary School, Nursery and Day Care

GOVERNOR'S COMPLAINTS POLICY

- To be an inclusive, safe and caring community where each member is equally valued and nurtured
- To achieve academic excellence by ensuring each pupil has opportunities to develop their potential
- To work together as a team with parents and carers within the community to promote rights, respects and responsibility for the benefit of all

Purpose: To establish a procedure for dealing with complaints relating to the school, as required by section 29(1)(a) of the Education Act 2002.

Scope: All matters relating to the actions of staff where they affect the individual pupils concerned, except matters (relating to the curriculum, exclusion, admissions, fluency of staff on the English Language requirement for public sector workers (the fluency duty), etc) which are subject to separate procedures.

General Principles:

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matters raised more than 3 months after the event being complained of will not be considered save in exceptional circumstances.
- Investigation of any complaint or review request will begin within 5 academic days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

PART A

Complaining about the actions of a member of staff other than the Headteacher.

1. Informal Stage

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, telephone or in person by appointment. Simple clarification or the provision of information can resolve many concerns and it is anticipated that most complaints will be resolved by this informal stage. (In the case of serious concerns it may be appropriate to address them directly to the Headteacher.) An unreasonable refusal to attempt an informal resolution may result in the procedure being

terminated forthwith. (Any dispute in relation to the 'reasonableness' may be determined through the review process.)

2. Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Headteacher who will be responsible for the investigation.

The complainant should include details, which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition, the Headteacher may meet with the complainant to clarify the complaint. The Headteacher will collect such other evidence, as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, a friend or representative may accompany that member of staff if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures etc. Details of the investigation or of any disciplinary procedures will not be released.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential (e.g. where staff disciplinary procedures are being followed).

The complainant will be told that consideration of their complaint by the Headteacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Headteacher in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Headteacher, and include a statement specifying any perceived failures to follow the procedure. The Chair of Governors may be contacted through the school address. The procedure described in Part C will be followed.

If the complainant considers that the decision of the Headteacher is perverse, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Headteacher under Part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

PART B

Complaining about the actions of the Headteacher

1. Informal Stage

The complainant is usually expected to arrange to speak directly with the Headteacher. (In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body.) Simple clarification or the provision of information can resolve many

concerns. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

2. Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body who will determine which of the agreed procedures to invoke. If it is determined that the complaint is 'general' the Chair will arrange for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition, the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint.

The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Headteacher to consider this, he/she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. A friend or a representative may accompany the Headteacher at this meeting.

When the investigation has been concluded, the complainant and the Headteacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair. Any such request must be made in writing within 2 weeks of receiving notice of outcome from the Chair, and include a statement specifying any perceived failures.

Part C

Review Process

Any review of the process by the Headteacher or the Chair shall be conducted by a panel of 3 members of the Governing Body.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite the Headteacher or the Chair, as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant, and the Headteacher or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed

The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation (where this is practicable).

Notes

The complainant is not entitled to access any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential. If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education.

INVESTIGATION PROCEDURE

Carrying out an investigation into a formal complaint

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.

Any procedure should include provision that 'An anonymous complaint will not be investigated under the procedure unless there are exceptional circumstances'. These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Where the Headteacher or Chair of Governors receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

The member of staff, against whom the complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant.

Once the complaint has been confirmed the investigator should establish who they wish to interview and what documentation they will need to review.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant and the member of staff should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interviews. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut the interviewees short or to seek to 'lead' them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.

A summary of the process undertaken should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.

Any recommendations should be shared with all parties, unless there is good reason not to. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Local Governing Body.

The Governing Body should express a view on the retention of records of any complaint procedure. The most extreme stance would be that: 'All documentation relating to the complaint and its investigations and outcomes should be stored securely for a period of six years. (Where the complaint is on behalf of a child, then the school may wish to retain the documentation until 6 years after the child has attained the age of 18.)

N.B

Support for Headteacher or Governing Body is available from Governor Services or Portsmouth Human Resources.

Model Complaint Form

Highbury Primary School Complaint Form

Please complete this form and return it to the Headteacher/Clerk to the Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:
Relationship with the school (e.g. parent of a pupil on the school roll):
Pupil's name (if relevant to your complaint):
Your address:
Daytime 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.
You may continue on a separate piece of paper, or attach additional paperwork if you wish. Number of additional pages attached:
What action, if any, have you already taken to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)
What actions do you feel might resolve the problem at this stage?
Signature:
Date:
<i>School use only</i>
Date form received:
Received by:
Date acknowledgement sent:
Acknowledgement sent by:

Model response to spurious complaint

Dear

Following receipt of your communication and careful consideration of the same, I regret that I am unable to deal with this matter under the Governing Body's General Complaints Procedure as: (Please select the appropriate wording from the following)

- You have not identified any specific actions of which you might complain OR
- Your concerns are presented as conclusions rather than specific actions of which you complain OR
- The concerns that you identify relate to historical actions and any evidence, which might have enabled an objective investigation of your complaint, is no longer available OR
- The substance of your complaint has been addressed under this procedure already OR
- The concerns that you raise do not fall within the scope of this procedure OR
- You have not identified any potential sources of evidence which might allow the matter to be investigated OR
- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this

If you wish my decision to be reviewed then you may take advantage of the procedure outlined in the policy by writing to the Clerk to the Local Governing Body.

Yours sincerely

Headteacher/Chair of Governing Body

Notification of decision regarding general parental complaint

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

(Please select the appropriate wording from the following)

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision. OR
- The concern is not substantiated OR
- The concern was substantiated in part/ in full, as The school will review its practices/ procedures..... with the intention of avoiding any recurrence. Parents will be informed in due course of any policy changes OR
- In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely

Headteacher/Chair of Governing Body

Model review outcome notification

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the General Complaints Procedure was followed appropriately in respect of your complaint in that.....

(Please select the appropriate wording from the following)

- Therefore, the matter is now closed as far as the school is concerned OR
- Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Head Teacher/Chair of Governors followed the General Complaints Procedure except

Therefore, the following action will be taken,

Once this action has been completed the school will consider this matter to be closed OR

- Having carefully considered your representations in the context of the relevant evidence, the Local Governing Body Complaints Review Panel has concluded that the Head Teacher/Chair of Governors followed the General Complaints Procedure except that

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely

Chair of Complaints Review Panel

c.c. Head Teacher/Chair of Governors

Model Paragraph for inclusion in School Prospectus

Raising Concerns and Resolving Complaints

From time to time parents, and others connected with the school, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a 'General Complaints Procedure'.

This procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly
- Address all the points at issue
- Inform future practice so that the problem is unlikely to recur

Adopted October 2016

Review 2018