

Complaints Procedure

The Blake School staff and governors make every effort to address concerns at an early stage. The school operates an open-door policy and encourages parents to discuss any concerns with class teachers, or an appropriate member of the school staff at the earliest opportunity.

The staff and governors recognise that sometimes however parents may wish to make a more formal complaint and they have therefore adopted the following procedure.

Dealing with concerns at the earliest opportunity

If parents, pupils or members of the public have concerns they should:

1. discuss their concerns with the member of staff most directly involved *and, if not satisfied*;
2. discuss their concerns with the headteacher.

Only where both avenues have been tried and found unsatisfactory should the complainant take a complaint to the Governing Body.

At each stage in the procedure the school will keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint

Complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

Principles informing our complaints procedure

This procedure is designed to:

- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time limits for action and keeping people informed of the progress
- allow a mediation process
- allow for a hearing of a panel of Governors
- respect confidentiality
- address all points of issue, provide an effective response and appropriate redress where necessary
- provide information to the school so that services can be improved

Making a Complaint to the Governing Body

Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write to the Clerk to the Governing Body at the school address. The envelope should be marked 'FOR IMMEDIATE ACTION'.

The complainant will be asked to complete a complaint form (Annex 1) if they have not already done so. A member of staff or the Clerk can help an individual complete the form if appropriate

On receipt of the complaint form the Chair of Governors (or another governor) will:

- clarify the nature of the complaint and what remains unresolved;
- clarify what the complainant feels would put things right.

At this point the Chair of governors will decide whether the complaint should go straight to the governors' complaints panel or whether a mediation stage should be offered. Mediation can only proceed if both the complainant and the headteacher are willing for it to be tried.

Mediation

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Headteacher another opportunity to hear each other's points of view (with a third party facilitating);
- It gives the third party an opportunity to help Headteacher and complainant identify and build on areas of agreement;
- It gives Headteacher and complainant a structure within which they can resolve remaining differences.
- If both complainant and Headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them;
- Even if the complaint continues to a governors' panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part;
- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

If mediation is not agreed, or is not successful, the complaint will be considered by the governors' complaints panel.

Governors' Complaints Panel

- The clerk to the governors will convene a panel of governors, one of whom will be independent to the school.

- The clerk to the governors will inform the governing body that a complaint has been received and that it has been passed to the panel to deal with. No further information about the complaint will be shared with other governors.
- The hearing must be independent and impartial and be seen to be so. No governor may sit on the panel if they have any knowledge of the detail of the complaint, a prior involvement in the complaint, or in the circumstances surrounding it.
- At least one member of the panel will be independent of the management and running of the school e.g. a governor at another ODST school.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.
- The complainant may be accompanied / bring a 'friend' to the Governor Complaints Panel meeting.
- Evidence should be provided to the hearing in writing, the attendance of witnesses is not encouraged.
- The clerk is responsible for obtaining papers setting out the case from both sides, with any supporting evidence. These should be copied and sent to panel members, parent(s) and the headteacher at least five working days before the hearing. This ensures that everyone has ample time to read and understand the papers.
- The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care will be taken to ensure the setting is not intimidating and not adversarial.
- It may be necessary to have one or more adjournment to allow for reflection or to seek additional supporting evidence.
- Governors sitting on the panel need to be aware of the complaints procedure and any other procedures relating to the complaint e.g. Anti-bullying policy.
- The Chair of the Panel will be nominated by the Chair of Governors and is responsible for ensuring that both complainant and headteacher are given a fair hearing.

The complaints panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure problems of a similar nature do not recur.

It may:

- consider and, if appropriate, criticise the way in which an operational decision was communicated – **but it cannot overturn the decision itself;**
- consider the thoroughness with which the headteacher investigated a complaint about a member of staff – **but cannot expect the headteacher to provide details about confidential discussions with that staff member;**
- consider the manner in which a complaint about any decision was addressed – **but cannot expect the headteacher to change the decision;**
- consider and, if appropriate, identify limitations in a policy or procedures – **but cannot make or improve policy.** (It can, however, recommend that the policy be reviewed by the governing body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy.)
- consider whether it should recommend that the governing body offer appropriate redress.

Format of a Panel Hearing

1. Complainant and headteacher will enter the room where the hearing is taking place together.
2. The chair will introduce the panel members and the clerk and outline the process.
3. The complainant is invited to explain the complaint.
4. The headteacher may question the complainant.
5. The panel will question the complainant.
6. The headteacher is then invited to explain the school's actions.
7. The complainant may question the headteacher.
8. The panel will question the headteacher.
9. The complainant is then invited to sum up their complaint.
10. The headteacher is then invited to sum up the school's actions and response to the complaint.
11. The chair explains that both parties will hear from the panel within five working days.
12. The chair checks that both parties have said all they wanted to say and that they feel they have had a fair hearing. If either party says 'no' the chair should attempt to rectify that before the hearing ends.
13. Both parties leave together while the panel decides on the issues.
14. The clerk will remain with the panel.

Notes

The panel may ask questions at any point if an immediate question will help to clarify a point.

The headteacher must have no contact with members of the governors' complaints panel except when the complainant is present. This means that the headteacher and complainant must enter and leave the room where the hearing is held together.

The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing; there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.

The decision letter

The clerk will ensure that s/he has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish.

The clerk will ensure that the letter reaches the complainant and the headteacher within five school days of the hearing.

Exceptional circumstances

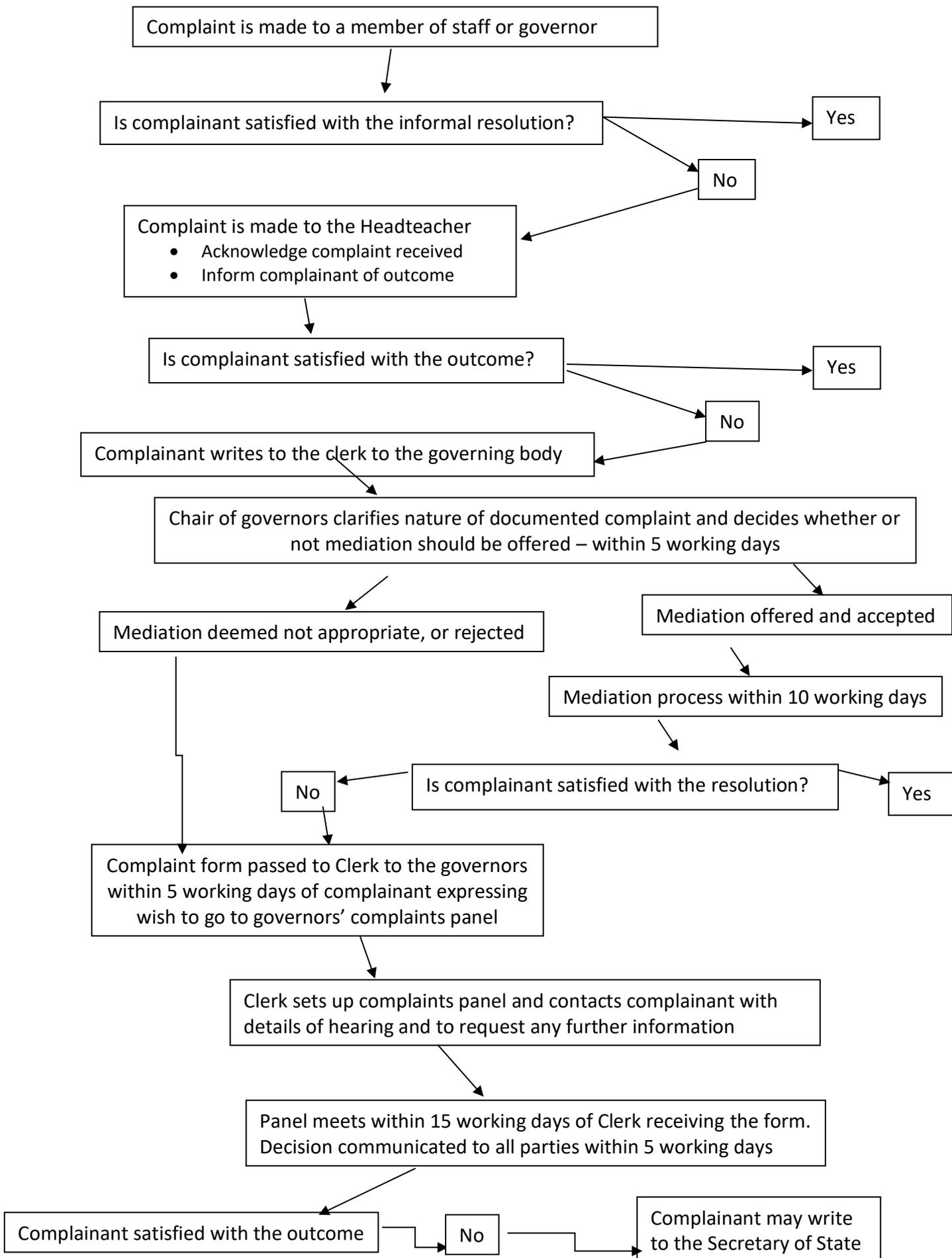
For the sake of clarity, the description above does not cover exceptional circumstances which might include:

- The chair of governors may not be able to find three governors who have no prior knowledge of the case: If a case has become a major talking point around the community, the chair can nominate three governors with minimal prior knowledge. If there are still insufficient governors able to sit on a panel, the governing body in consultation with ODST will put in place an alternative fair process using independent governors from other, local ODST schools.
- The complaint may not be against the Headteacher: A complaint to the governors' complaints panel will never be against a junior member of staff (it may be against the way the Headteacher handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the Headteacher. That would need to be considered very carefully but if agreed the senior manager would be 'the Headteacher' for the purpose of the panel. There may be exceptional circumstances in which the complaint is against the chair of governors – e.g. for wilfully refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Headteacher' would be read as 'chair of governors'.
- It is not necessary, and may not be appropriate, for all parties to be present during the whole process but all members of the panel must be present throughout. Having presented their case and answered questions the complainant may be asked to leave the room, should the panel chair consider it appropriate.
- The complainant and/or the Headteacher may wish to call witnesses: The use of witnesses is discouraged. In nearly every case, a complaints panel will want to work with written witness statements, but there may be particular circumstances where the presence of witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. They will remain outside the hearing room until called in to give their evidence. They can be questioned by the panel members and the other party. They will leave the room when their evidence is completed.
- The complainant may be a pupil at the school: Good schools encourage pupils to raise concerns and would expect to resolve them before it becomes a formal complaint to the LGB. However, if a pupil is the complainant, panel members will wish to ensure that the same process is followed but special consideration given to ensuring that the child is supported and does not feel intimidated. The panel needs to give the views of the child equal consideration to those of adults.

Can I take my complaint further?

For most complaints, parents cannot take their appeal further than the LGB and neither ODST (as the employer) nor the Local Authority will investigate school matters on a parent's behalf nor would they review how the school has dealt with a complaint. The only grounds on which ODST may review the LGB panel's decision on a complaint are with regard to the tests of illegality, irrationality or procedural impropriety; i.e. ODST would review whether the LGB complaints panel has acted fairly and reasonably but it would not consider the detailed submissions put as evidence to the complaint panel by both parties. Any such panel would be expected to comprise a combination of Trustees, committee members and/or officers of the ODST. If, following these steps, you still feel that the school has acted unreasonably or not followed the correct procedures, you can write to the Secretary of State for Education via <http://www.education.gov.uk/help/contactus/dfes>

The flowchart overleaf summarises the complaints process.



Annex 1 Complaint form

A member of The Blake school staff or the Clerk to the Governors can give help completing this form.

If it is appropriate for a member of staff to look into this complaint, it should be returned to the headteacher. If it is appropriate that it should be dealt with by the governing body, it should be returned to the Clerk to the Governors at the school.

Complaint form

Please complete and return to the Clerk to the Governors (c/o The Blake CE Primary School or governors@blake.oxon.sch.uk) who will acknowledge receipt and explain what action will be taken.

Your name:

Address:

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Postcode:

Daytime telephone number:

Evening telephone number:

If applicable, name of child(ren) at school:

Please give details of your complaint:

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

Continued overleaf

Your relationship to the school, e.g. parent, carer, neighbour, member of public:

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 of acknowledgement sent:

By Whom:

Mediation offered (Date)

Complaint referred to:

Date: