

## **GARDEN SUBURB INFANT & JUNIOR SCHOOLS**

### **GENERAL COMPLAINTS PROCEDURE**

#### **Policy Statement**

Garden Suburb Infant and Junior Schools are dedicated to ensuring the education and welfare of every child attending their school in a safe and nurturing environment.

We trust that your child is happy at this school. On occasions, however, a problem may arise. The school undertakes to listen to any concern regarding pupils and will always endeavour to find a satisfactory solution and resolution. The great majority of problems can be sorted out informally.

The Governing Body and all staff work together to foster Inclusion and follow all the Infant and Junior schools' Policies in order to attend to pupils' wellbeing.

In accordance with Section 29 of the Education Act 2002, the Governing Body has established a procedure to deal with "general complaints" whether they are related to the school or to the adequate provision of facilities or services. This procedure applies to all complaints relating to actions of staff and application of school procedures where they affect any individual pupil with the exception of matters related to curriculum, exclusion, admissions (which are subject to separate procedures) and also matters falling under other statutory provision.

This General Complaints Procedure has been reviewed according to the Education Act 2002 and the NAHT Advice Document on Schools Complaint Procedures. It provides Parents and Carers of the school community clear guidance as to what needs to be done in order that a complaint is dealt with appropriately, speedily and to the benefit of the child\children concerned.

## **Garden Suburb Schools general Complaints Procedure**

### **General Principles:**

1. This procedure is designed to ensure that, wherever possible, an “informal resolution” is attempted either at teacher’s level or line management level.
2. The intention of this procedure is to be investigatory, not adversarial with the focus on a positive resolution for the pupil concerned.
3. To allow for a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in very exceptional circumstances.
4. For a complaint to be investigated, Complainants need to follow both the process and the timescale outlined in this procedure.
5. Investigation of any complaint or review request will begin within 5 school days of its receipt, save in exceptional circumstances.
6. The investigation shall be completed as soon as reasonably practicable. In general this will be within 10 to 15 school days, save in exceptional circumstances.
7. An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances and this at the discretion of the Head Teacher and the Chair of the Governing Body.
8. Any complaint that does not follow the procedure and/or is vexatious or spurious to the staff, Head Teacher or any member of the Governing Body will not be dealt with. The complainant will receive a letter to that effect, advising him or her to follow the procedure in letter and tone.

### **A. Raising a concern or complaint about the actions of a member of staff**

#### **First Instance:**

The complainant should, in the first instance, take any concern to the teacher concerned. The concern can be put in a letter and then followed by a meeting or a request for an appointment can be made directly. A teacher will always endeavour to meet with a parent

or carer about any issue concerning their child and seek a satisfactory resolution. This can involve subsequent meetings to be agreed between the teacher and the complainant.

If a concern is considered complex the line manager may be involved.

### **Second instance:**

If the complainant is not satisfied with the solutions proposed by the teacher and feels that the concern is not being resolved fully, he\she may approach the Head Teacher who will offer to meet the complainant as soon as reasonably practicable.

If the concern requires a more complex and confidential approach, the complainant may request to meet with the Head teacher directly to get his\her advice as to how to reach a satisfactory resolution.

Appointments with the Head Teacher can be made by contacting the school office.

An unreasonable refusal by the complainant to attempt a resolution following the above 2 steps may result in the procedure being terminated forthwith.

### **Third instance: lodging a Formal Complaint:**

If, after all reasonable attempts to find a resolution have been made, the complainant is still concerned that the school fails to address his\her complaint in a satisfactory way, he\she should make a Formal Complaint in writing to the Head Teacher.

The complainant must fill in the **Complaint Form** provided (Appendix1). It is important that the written complaint details the nature of the complaint and includes detailed description of any incident with dates and individual(s) involved as well as names of potential witnesses, details of meetings (nature, dates, individual involved, decisions, etc...) and any factual information that can help with the investigation as well as any relevant documentation.

The Head Teacher may decide to meet with the complainant to clarify the information stated on the Complaint Form.

The Head Teacher will begin her\his investigation within 5 school days, so far as practicable, of receipt of the Complaint Form and any additional evidence. As part of his\her investigation, the Head Teacher will collect all evidence from the school related to the issue and may require a formal interview with a member\members of staff. The member of staff may be accompanied by a friend or a representative if they wish.

On completion of her\his investigation, the Head Teacher will inform the complainant and the member(s) of staff concerned, of the outcome, in writing.

The Head Teacher's written response will summarise the complaint, outline the investigation process and steps being taken if there are any. It will not contain details of the investigation nor of any procedure affecting the member of staff concerned.

The Head Teacher's response will include a statement informing the complainant that this concludes any process related to the investigation of the complaint. It will also inform the Complainant on his\her right to forward their formal complaint to the Governing Body Complaint Panel which will review the process and the decision taken by the Head Teacher.

Save in exceptional circumstances, the complainant and the member(s) of staff will be informed within 3 to 5 school days from the completion of the investigation.

**Note:** At any stage of the investigation process the Head teacher has the right to seek advice from the Local Authority, Children Services.

### **Review by the Complaints Panel**

In the event of the complainant not being satisfied with the manner in which the investigation process has been followed or if the complainant has ground, substantiated by evidence, to be dissatisfied with the conclusion reached, the complainant may request the Governing Body to investigate the process followed by the school in handling the complaint and the conclusion reached after the investigation

The complainant needs to inform the Chair of the Complaints Panel in writing, using the Review Request form (appendix 2), within 10 schools days of receipt of the Head Teacher's response. It is important that the Request Form contains a statement as to why the complainant is dissatisfied as well as detailed information and evidence of the process followed with dates and copy of correspondence between the complainant and the Head Teacher.

The Review Request Form needs to be sent, in a sealed envelope to the school office, addressed to the Chair of the Complaints Panel.

**Review Process:** The Chair of the Complaints Panel will convene the Complaints Panel to undertake the review. The Chair will inform the complainant that his\her request has been received and the Chair will also inform the Head Teacher that a review has been requested and this within 5 school days from receiving the complainant's request.

The Complaints Panel comprises 3 governors (one of whom is designated Chair) who are not employed by the schools and have no prior knowledge of the issue leading to the complaint.

The Complaints Panel will first examine the written evidence and consider a request by the complainant to make oral representation. This meeting will be minuted.

The Complaint panel will then inform the Head Teacher of the content of the request for review and ask her to make a written response supported by description and evidence of the process followed and facts leading to her conclusion including dates and copy of relevant correspondence and/or records (if necessary). This should be provided within 5 school days so far as practicable.

The Complaints panel may ask to meet the Head Teacher to clarify and/or expand on the information received. The Head Teacher may bring a friend or representative to the meeting.

The Chair of the Complaints Panel, will inform the Complainant and the Head Teacher, in writing, of the outcome of the review, within 3 to 5 schools days of the Panel reaching their conclusion.

**The matter will then be closed as far as the school is concerned.**

On the event that the complainant is still not satisfied or the school has failed in following its procedures, the Local Authority will be called upon to provide an independent review.

## **B. Complaint against the actions of the Head Teacher**

**This section is separate from the review process detailed above.**

**If the Complainant considers that the action of the Head Teacher is perverse or that the Head Teacher has acted unreasonably in considering a Formal Complaint, the Complainant may bring a Formal Complaint against the Head Teacher.**

**However**, the Complainant is expected to have attempted to find a resolution by having a meeting with the Head teacher prior to lodge a Formal Complaint. If necessary and if both parties agree, a third party can be invited to act as a mediator. An unreasonable refusal to attempt to reach resolution in this way may result in the procedure being terminated forthwith.

### **Lodging a Formal Complaint**

The complainant will write to the Chair of the Complaints Panel using the form attached (Appendix 3) and returning it, to the school office, in a sealed envelope.

It is important that the complainant describes the nature of the issue in detail, includes details of meetings with dates and persons attending as well as any potential witnesses, specifies which decision and resolution (or lack of) has been reached and any factual information and evidence that can help with the investigation.

The Complainant will send his/her complaint form in a sealed envelope to the Chair of the Complaint panel via the school office.

### **The investigation process**

Within 5 school days of receipt of a Formal Complaint, the Chair of the Complaints Panel will first determine what is the nature of the complaint and under which policy/procedure it needs to be dealt with. Once convinced that it falls under the General Complaints procedure, the Chair will acknowledge receipt of the complaint in writing and convene the Complaints Panel composed of: 3 governors (one of whom being Chair) who are not employed by the school and have no prior knowledge of the issue leading to the complaint. The Chair of the Complaints Panel will also inform the Head Teacher in writing that a formal complaint has been lodged.

The Complaints Panel will study the information included in the Complaint Form and all the evidence provided by the Complainant. The Complaints Panel may request more information from the Complainant if necessary. The complainant has 5 school days to provide the panel with this information.

The Complaints Panel will then invite the Complainant, at the earliest opportunity (within 3 to 5 school days), to a meeting in order to get clarification or expand on the information received. This meeting will be minuted.

The Complaints Panel will provide the Head Teacher with a copy of the complaint. The Head Teacher will be expected to send a written statement to the Panel within the next 5 school days so far as practicable and will be invited to a meeting in order to provide full evidence in response to the complaint. The Head teacher may be accompanied by a friend or representative if she wishes.

The Complaints Panel will then consider all the evidence provided by all parties and draw their conclusion.

The Complainant and the Head Teacher will be informed, in writing, of the outcome and this no later than within 3 to 5 school days after the Panel have reached their conclusion. The written outcome will summarise the nature of the complaint, outline the investigation process and include a summary of actions if necessary. It will not give any details of the investigation nor of any procedure related to the Head Teacher.

**Note:** At all stages of the Complaint Process, the Chair of the Complaint Panel has the right to seek advice from the Local Authority, Children Services.

## **Review of the Investigation**

If the Complainant is not satisfied with the process of the investigation, he\she can request that the Governing Body review the handling of the complaint by the Complaint Panel. Any such request must be made as described below within 10 school days of receiving notice of the Complaint Panel's conclusions.

### **The Review Process**

The review will be conducted by a panel comprising of 3 members from the Governing Body who are not on the Complaints Panel, are not employed by the school and have no prior knowledge of the problem that led to the complaint.

The Complainant will send a written Review Request Form (appendix 4), in a sealed envelope to the Chair of the Review Panel via the school office, within 10 school days of receipt of the investigation conclusions.

The Complainant needs to include a statement explaining why he\she is dissatisfied with the process followed as she\he understands it. This statement must be fully supported by dates of meetings, individuals attending the meetings, correspondence and any other evidence necessary to facilitate the review.

The Chair of the Review Panel will acknowledge receipt of the request within 3 to 5 school days; convene the Review Panel and inform the Head teacher and Chair of the Complaints Panel that a request for review has been lodged.

The Review Panel will consider the request. The panel may invite the complainant to a meeting in order to clarify and\or expand on the information received. This meeting will be minuted.

The Review Panel will then inform the Chair and members of the Complaint Panel of the content of the Request and ask for a written statement giving details of the process undertaken for the investigation as well as all evidence necessary to conduct the review including correspondence, dates of meetings, records, etc... this should be provided within 5 school days, so far as practicable.

The Review panel will also invite the Chair and the members of the Complaints Panel to present their evidence and clarify any information.

The Review Panel will then reach a decision and inform the complainant and the members of the Complaint Panel in writing within 3 to 5 schooldays.

The Review Panel statement will summarise the nature of the request, outline the review process used, summarise actions decided if any. It will not give any detail of the investigation.

Copy of the decision statement will be sent to the Head teacher.

**The matter will then be closed as far as the school and the governing body are concerned.**

### **Confidentiality Clause**

It is in the interest of all parties that the Complainant follows this procedure in strict confidence and addresses it to the right person depending on which stage the complaint is as per this procedure. These can be:

The class teacher;

The class teacher's line manager;

The Head teacher;

The Chair of the Complaints Panel;

The Chair of the Review Panel.

**Any person involved with a complaint will treat it confidentially and all documentation will be kept in confidence by the Head Teacher and/or the Chair of the Governing Body.**

**The Head Teacher reserves the right to involve her Deputy if deemed appropriate.**

**The Head Teacher and the Chairs of the Panels can seek advice from the LA Children Services.**