



BORDON INFANT SCHOOL

Complaints Procedure

1. Introduction

At Bordon Infants School we value the partnership between parents and the school. We aim to work closely with parents to provide mutual support and give children a happy, caring and consistent environment in which to develop.

We recognise the need to have an efficient and accessible complaints procedure to help ensure that everyone is aware of the process and the appropriate channels of communication. In this way we hope to develop a shared approach as well as confidence in the school's methods and procedures.

This policy does not cover complaints about the following issues, for which there are specific statutory regulations and LEA appeal mechanisms:

- The LEA's decisions on special educational needs (SEN) assessments and school places
- School admissions and transfers
- Exclusions
- Employment

Hampshire County Council has a corporate complaints procedure, *Comments, Suggestions and Complaints*, for services that are the Education Department's responsibility.

2. Underlying Principles of Policy

We aim to:

- Resolve concerns through informal discussions at the earliest stage
- Be speedy, with well-defined timescales and named contacts
- Focus on resolution and service rather than blame
- Be accessible to people with disabilities, special needs or language barriers
- Promote confidentiality and discretion
- Include fair and transparent investigative processes for staff as well as complainants
- Indicate other sources of advice, for example CAB (Citizens Advice Bureau), parent/partnership services, ACE (Advisory Centre for Education) and the LEA complaints adviser.

3. The Process

A Staged Approach

There is a staged approach for dealing with complaints which is described below.

4. The preliminary stage – an informal approach

Parents are encouraged to speak informally with the appropriate or designated member of staff as soon as they have a concern. We suggest that parents speak to the class teacher in the first instance.

If the concern is about the headteacher, parents are encouraged to have preliminary discussions between themselves and headteacher. Parents can also choose to approach the chair of governors.

It should be noted that the headteacher has the responsibility for the day to day management of the school. The Governing Body has a largely strategic role with regard to the management of the school.

5. Stage 1 – Headteacher

- 5.1 Parents are advised to write to the headteacher, giving details of the concern and enclosing any appropriate paperwork.
- 5.2 The headteacher, or designated senior member of staff, will respond to the parent in writing as soon as possible. Standard practice is to acknowledge the complaint or offer a full response within one working week.
- 5.3 If the complaint requires an in-depth investigation, the headteacher will need to acknowledge this and let the complainant know that a full response will take longer than usual. Standard practice is to investigate the complaint and prepare a response within three working weeks.
- 5.4 The headteacher will, following any meeting with parents, summarise the main points in a follow-up letter. This may prevent any misunderstandings and ensure that all parties have a clear record of progress or agreements.
- 5.5 If a parent remains dissatisfied, the headteacher will need to decide when to give a final response and refer the parent to Stage 2 of the complaints process. Parents should note that once Stage 2 has been started no further discussion of the matter, written or otherwise, will be entered into by the headteacher.

6. Stage 2 – Chair of Governors

- 6.1 Parents are invited to send a letter to the Chair of Governors outlining their complaint, explaining the reasons for pursuing it beyond the headteacher's response and

enclosing any relevant paperwork. The school will make arrangements to support parents where necessary.

- 6.2 The timescales for acknowledging the complaint and making a response at this stage are as outlined for the headteacher in paragraphs 5.3 and 5.4.
- 6.3 This stage offers an opportunity for achieving conciliation between all parties. Informal discussions between the chair of governors and the headteacher are key to resolving the complaint and agreeing a way forward. This should prevent any further escalation for the disagreement.
- 6.4 In each case the chair of governors will need to decide who is responsible for dealing with the issues involved, and therefore what powers are available to governors with respect to the particular complaint. Are the issues related to responsibilities that:
- i) are delegated to the headteacher by the governing body; or
 - ii) fall within the governing body's remit only; or
 - iii) are within the headteacher's terms and conditions of employment and relate to the internal organisation, management and control of the school?

Please refer to Appendix II of the Hampshire Guidance which contains a decision planner.

- 6.5 For delegated responsibilities and matters within the remit of the governing body, the chair may look at the whole issue afresh (see paragraph 7.5 for details).
- 6.6 If the matter relates to the headteacher's conduct, the chair of governors will need to decide whether the matter should be dealt with through the complaints procedure or staff disciplinary procedure. Advice can be sought from the LEA complaints adviser or education personnel services (see 'Helpful contacts' page 12). The Chair of Governors decision is final.
- 6.7 For matters that are the headteacher's responsibility, the chair of governors is only empowered to look at whether the headteacher's decision or action was reasonable in the light of the information available at the time (see paragraph 7.6 for details).
- 6.8 In the rare circumstance that a parent is unhappy with the outcome, the chair of governors may offer a right of appeal to the governing body's complaints panel.

7. Stage 3 – Governing Body's Complaints Panel – reconsideration or review

- 7.1 The governing body has a complaints panel. The curriculum committee is responsible for complaints about the national curriculum or religious education.
- 7.2 Parents who wish to appeal to the governors should be advised to request this in writing to the clerk to the governing body. Parents should describe the issues in detail and say why they are dissatisfied with the outcomes of the previous stages. There is a form for parents to complete in Appendix II.

7.3 Parents are reminded not to write to all governors individually as this may make it difficult to set up a panel of three governors who have had no prior involvement in the case.

7.4 There are two forms of appeal and these are reconsideration or a review.

7.5 **Reconsideration** (considering afresh)

When the issues relate to delegated responsibilities, the panel can reconsider the matter, that is, look at the matter afresh, with any new information that the headteacher may not have been aware of at the time of the original response or action. In the light of additional information, the panel may decide to write and ask the headteacher to give the matter further consideration.

Complaints about a governor should also be subject to a reconsideration of the issues.

7.6 **Review**

If the matter falls within the headteacher's decision-making remit by virtue of his or her terms and conditions of employment, then the panel will only have the power to review the decision not to consider the matter afresh. It may look at whether the decision or action was unreasonable. An unreasonable decision might be one that is irrational: a decision that no reasonable headteacher, properly aware of his or her duties and properly taking into account the facts of the case before him or her, would make.

The panel will need to consider the facts as they were known to the headteacher at the time and then consider whether the headteacher:

- i) failed to take account of a relevant consideration; and/or
- ii) took into account an irrelevant consideration; and/or
- iii) made a 'perverse' decision in the light of the evidence available at the time.

If new evidence does come to light, the panel should refer it back to the headteacher, who may consider amending the decision in the light of that new information.

In deciding whether the headteacher's decision was perverse, the panel will need to judge whether the decision was one that, on the facts, was open to the headteacher to make; that is, within a reasonable range of responses in the light of the evidence available.

7.7 The clerk will arrange and facilitate the meeting (see Appendices IV and V of the Hampshire Guidance for schools. A member of the Legal Services Department should be present at the meeting.

7.8 The panel will consist of three governors with no prior involvement in the matter and the chair should be designated before the meeting. The meeting will be held in an informal atmosphere but it will follow a formal agenda as shown in Appendix V of the Hampshire Guidance.

7.9 The clerk should inform the complainant in writing of the panel's decision, preferably within two school days following the meeting. The letter will include:

- A summary of the issues
- An outline of the main points of discussion
- The reasons for the decision
- Proposed actions or outcomes

Please see Appendix VI of the Hampshire Guidance.

- 7.10 The panel's letter may suggest that the parents meet the headteacher again to agree a way forward.
- 7.11 When a decision has been made by the panel and has been notified in writing to the parent, no further discussion, written or otherwise will be entered into by the school. Any subsequent communication on the matter will be considered vexatious.
- 7.12 For issues related to the national curriculum or the provision of religious education, parents will need to be told that they can appeal further to the LEA (section 8, stage 4). When a decision has been made this is final and no further discussion, written or otherwise, will be entered into by the headteacher.
- 7.13 For general complaints: this is the final stage of the school's complaints procedure. If a parent believes that the headteacher's and governors' actions have been unreasonable or the correct process has not been adhered to the only recourse is to the Secretary of State (section 10). Parents are advised to seek advice from the LEA's complaints adviser at this point (section 9).

8 Stage 4 – Local Education Authority (LEA)

- 8.1 The local education authority (LEA) offers a further right of appeal for parents who have exhausted the school's procedures, if the complaint is about:
- The national curriculum and related matters
 - Provision of collective worship and religious education.

Outside the school

9 Role of the Local Education Authority (LEA)

- 9.1 For general complaints about a school, the LEA clearly has no remit or powers beyond reminding schools of their legal obligations. Therefore, for *individual* general complaints which relate to internal school matters and have exhausted the school's own complaints procedure (that is, they have completed Stage 3), there is no right of appeal to the LEA as it has no powers to direct the school to change its decision.
- 9.2 If a complaint cannot be resolved further, headteachers, governors and parents or other complainants may seek advice from the LEA's complaints adviser (see 'Helpful contacts' on page 12).
- 9.3 Governors may also seek advice from the LEA on developing their own complaints procedure or setting up governors' complaints panels.

9.4 The Governing Body has largely a strategic role. This means it is responsible for the school's strategic framework including its aims and objectives, priorities and targets, and policies to achieve those aims and objectives. The headteacher is responsible for the internal organisation, management and control of the school and for advising on and implementing the governors' policies. The headteacher is solely responsible for making day-to-day decisions.

10 Secretary of State

10.1 If a parent wishes to pursue a complaint because they feel a school has acted unreasonably, they can write to the Secretary of State.

10.2 The Secretary of State will contact the governing body and the LEA for more detailed information. The Secretary of State has the power to direct the school to revise an action using the same criteria as applied by the governors.

11 Ombudsman

11.1 There is no 'school ombudsman'. The local government ombudsman (LGO) will consider matters relating to the LEA's responsibility but he cannot consider matters about the internal management schools.

Good practice

12 Handling complaints

12.1 We aim to handle complaints effectively to ensure that parents feel confident that staff will respond to any future complaint in a sensitive, non-defensive and sympathetic manner. Parents can be assured of confidentiality and that their child will not be adversely affected.

12.2 An individual governor should not respond to or investigate a complaint unless designated to do so.

12.3 When a parent approaches a member of staff about a concern that has not been resolved at the informal stage. It is good practice to:

- listen sympathetically without comment
- explain the procedures; that is, what will happen next and who will deal with the issue
- offer to help complete a complaints form if the school has one and if the help is appropriate.

12.4 The appropriate member of staff will need to create a file and record the relevant details. It is advisable to keep records in the file of any meetings or conversations, with a chronological record of events.

12.5 It is good practice to acknowledge written complaints or forms within five days and respond in full within 20 days.

- 12.6 It is particularly helpful to establish the desired outcomes at an early stage. Responses might include an apology, a review of a decision, an explanation, an assurance that the incident will not be repeated, a meeting with a member of staff or an official investigation.
- 12.7 If a complaint is complex and lengthy, the school will keep parents informed of progress either by telephone or letter.
- 12.8 At the conclusion, the complainant will receive:
- a specific response rather than a standard reply
 - feedback on any outcomes such as an improvement in service or an agreement to review or amend a policy
 - advice on any further recourse or the telephone number of the LEA's complaints adviser.

Difficult complainants

13 Vexatious complaints

- 13.2 In rare circumstances a complainant, having exhausted the complaints procedure, persist with the complaint.
- 13.3 Complaints become vexatious when they are:
- repeatedly and obsessively pursued; or
 - unreasonable or seeking unrealistic outcomes; or
 - reasonable but pursued in an unreasonable manner.
- 13.4 Governors may need to decide whether all future contacts should be:
- Directed to, and only be dealt with by, a named individual
 - Restricted, for example, to letter only.
- 13.5 If a conclusion has been reached about a complaint but the complainant continues to pursue it, the school will consider writing:
- to say that the matter has been passed to Legal Services in the Chief Executives Department
 - to reiterate that the matter is concluded and there will be no further correspondence
 - to say that, if correspondence continues, it will be read and filed by the clerk to governors but will receive no acknowledgement

14 Abusive complaints

- 14.2 Verbal aggression can be as intimidating as physical aggression. All parties have a right to be treated courteously and with respect. If staff feel threatened, they should report their fears to the headteacher who will consider:
- writing to the complainant requesting that the behaviour cease
 - setting restrictions for further contact with staff
 - reporting the incident to the police.

- 14.3 If a telephone caller becomes aggressive or offensive, the person taking the call should explain that they will end the call if the behaviour persists. If they need to hang up, they should record this action and any further incidents.
- 14.4 Repeated abusive or aggressive contacts can be considered as harassment and headteachers will need to consider reporting them to the police.
- 14.5 Schools can seek further advice from Legal Services in our Chief Executive's Department.

15 Anonymous complaints

- 15.2 Generally, schools should not respond to anonymous complaints. Nevertheless, the headteacher or chair of governors will need to consider whether:
- the issue and the fear of identification are genuine
 - the issue is one of child protection.

Helpful contacts

For further advice contact

Information Compliance Team
 Room 110, Ground Floor
 Elizabeth II Court South
 The Castle
 Winchester
 SO23 8UJ

Contacts for advice on specific areas and other procedures

(Office and headteacher can look up current contact names and numbers when required for these departments)

Special Educational Needs (SEN)

Employment or
 Disciplinary issues

Exclusions

Behaviour support Team

Violent Incidents

Admissions/transfers

Legal Services

Current contacts for staff counselling and support are listed on the staffroom notice board

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References

Complaints in Schools – A Report and Model General Complaints Procedures RISE (The Research and Information on State Education Trust)

<http://www.risetrust.org.uk/model.pdf>

Roles of Governing Bodies and Head Teaches DfES Guidance – Governing Bodies’ Statutory Powers and Duties, Sept 2000 (DfES 0168/2000)

http://www/dfes.gov.uk/governor/infodocs/information_11.doc

A Guide to the Law for School Governors (January 2000)

<http://www.dfes.gov.uk/governor/info.cfm>

Working Together – Guidance relating to General Parental Complaints (The Diocese of London)

Ratified by: [name/body]: FGB

Date: 19th Spetember 2013

Signed (Chair):