

NORTH YORKSHIRE COUNTY COUNCIL
CHILDREN AND YOUNG PEOPLE'S SERVICE
HOOKSTONE CHASE COMMUNITY PRIMARY SCHOOL
COMPLAINTS PROCEDURE

Scope

This Policy:-

This procedure is for use in dealing with complaints from parents concerning the general running of the school and the implementation of its policies and practices. However, it does not cover the following for which there are separate procedures:-

- Delivery of the national curriculum and the provision of collective worship and religious education in accordance with the Education Act 1996;
- School admissions;
- School exclusions;
- Special educational needs;
- Sex education
- Child protection

Nor does it cover complaints on matters that are the responsibility of the Local Authority. These are complaints about Council policies or on matters covered by legal processes.

Using the Procedure

Stage 1: The first contact – informal consideration by staff and/or headteacher

- i. Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure 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.
- ii. If the member of staff first contacted cannot immediately deal with the matter, he/she makes a clear note of the date, name, contact address or phone number.
- iii. All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. He/she will check later to make sure the referral has been dealt with.
- iv. If the matter is brought to the attention of the headteacher, he/she may decide to deal with the concerns directly at this stage.
- v. The staff member dealing with the matter should make sure that the parent is clear what, if any, action or monitoring of the situation has been agreed. Although not always necessary, consideration should be given to confirming in writing what has been agreed - either by letter or a copy of a file note.
- vi. Where no satisfactory solution has been found within ten days, parents are asked if they wish their concern to be considered further. If so, they are advised to write to the headteacher or, if the complaint relates to the headteacher, to the chair of governors.

Stage 2: Formal Investigation by the headteacher

- i. The headteacher (or designate) acknowledges the complaint in writing within three working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaints procedure (or a copy of the school's Information Leaflet For Parents) and a target date for providing a response to the complainant – normally within ten working days. If thereafter it is not possible to respond within the ten days, a letter is sent explaining the reason for the delay and giving a revised target date.
- ii. Ordinarily the headteacher (or designate) provides an opportunity for the complainant to meet with him/her to supplement any information provided previously. It should be made clear to the complainant that he/she may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf. The headteacher (or designate) may be accompanied by an adviser if the circumstances warrant this.
- iii. Where necessary, following the meeting, the headteacher (or designate) will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil concerned and others present at the time, should be interviewed. Pupils would normally be interviewed with parents/guardians present unless this would seriously delay the investigation of a serious/urgent complaint or where a pupil has specifically said he/she would prefer that parents or

guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be present. If the complaint is against a member of staff, he/she must subsequently be allowed to explain his/her version of events.

- iv. The headteacher (or designate) must keep written records of all meetings and telephone conversations, which he/she should sign and date, and other related documentation.
- v. Once all the relevant facts have been established, the headteacher (or designate) may wish to meet the complainant to discuss/resolve the matter directly. In any event a written response should always be sent, including a full explanation of the decision and the reasons for it. Where appropriate, the letter will indicate what action the school will take to resolve the complaint. The complainant must be advised that should he/she wish to take the complaint further he/she should notify the chair of governors/designated governor within 10 working days of receiving the letter.
- vi. 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 governors will carry out the stage 2 procedures – see below.

Stage 2: Investigation by the Chair of Governors

- vii. When the chair of governors, receives notice of a complaint, she will decide whether it appears appropriate to seek an informal resolution to the issue. It could be a complaint against the headteacher or, a complaint the headteacher has not been able to resolve but further discussion with the complainant prior to referral to the Complaints Review Committee is considered to be worthwhile.
- viii. If so, the chair/designated governor will:
 - either telephone and/or meet with the parent/guardian to hear their side of the story;
 - talk to the headteacher to hear the other side of the story;
 - discuss with the headteacher how the issue might be resolved;
 - agree with the headteacher whether it would be helpful for the governor to act as facilitator/mediator between the head and the parent;
 - seek to resolve the matter to the satisfaction of both the headteacher and the parent;
 - stress the need for confidentiality at this stage so as not to prejudice any later hearing.

If the Chair of Governors decides that action as at 2.viii is not appropriate in the circumstances, or having tried this approach the matter is still not resolved, then he must write to the parent to let him/her know that the matter will be referred to the complaints review committee. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. The chair must keep written records of all meetings and telephone conversations, which he should sign and date, and other related documentation.

Stage 3: Consideration by the governors' Complaints Review Committee

- i. According to the arrangements concerning membership of the complaints review committee as agreed by the governing body, the clerk to the governors will seek to convene the committee within 20 working days. (The Committee members must be governors with no vested interest in the outcome of the hearing or prior involvement with the complaint. The Committee will elect one of its number to chair the hearing.)
- ii. The clerk will ask the headteacher to prepare a written report for the committee in response to the complaint. The head should additionally ask members of staff directly involved in matters raised by the complainant to prepare reports.
- iii. The clerk to the governors will write and inform the complainant, headteacher, any relevant witnesses, and members of the committee at least five working days in advance, of the date, time and place of the meeting. All relevant correspondence, reports and documentation about the complaint should be included with the letter. The complainant should also be informed of his/her right to be accompanied to the meeting by a friend or representative or advocate. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the committee.
- iv. Subject to the prior agreement of the chairman of the committee, the headteacher may invite members of staff directly involved in matters raised by the complainant to attend the hearing.
- v. It is the responsibility of the chairman of the committee to ensure that the meeting is properly minuted.
- vi. 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.
- vii. The committee should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the committee. The chairman of the committee will therefore ensure that the proceedings are as informal as possible.
- viii. The meeting should allow for:
 - the complainant to explain his/her 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;
 - committee members to have an opportunity to question the complainant, the headteacher and any witnesses as appropriate;
 - final statements by both the complainant and the headteacher.
- ix. The chairman of the committee will explain to the complainant and the headteacher that the committee will now consider its decision, and that written notice of the decision will be sent to both parties within two weeks. The complainant, headteacher, other members of staff and witnesses will then leave.

- x. The committee will then consider the complaint and all the evidence presented in order to:
 - reach a unanimous, or at least a majority, decision on whether to dismiss or uphold the complaint;
 - decide, if appropriate, upon the action to be taken to resolve the complaint;
 - where appropriate, recommend to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
 - decide if it wishes to recommend to the governing body that the LA should review the process by which it has arrived at its decision.
- xi. A written statement outlining the decision of the committee including any actions and/or recommendations will be sent to the complainant and headteacher within 7 days of the meeting. If the Committee has decided to recommend to the governing body that the LA reviews the process by which the Committee has arrived at its decision, this should be indicated in the letter. Otherwise it should be indicated that there is no mechanism for a further appeal to the governing body. If the complainant feels the governing body has acted unreasonably or has failed to discharge its duties he/she should be advised to write to the Secretary of State for Education & Skills.
- xii. 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.

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