

BYRON WOOD PRIMARY SCHOOL



Complaints Procedure and Guidance 2014/15

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Contents

1	Introduction	3
2	Definitions	4
3	Procedure	4
4	Principles	4
	4.1 Publicity	5
	4.2 Timing	5
	4.3 Support for the complainant	5
	4.4 Support for a person complained against	5
	4.5 Confidentiality	6
	4.6 Redress	6
	4.7 Staff Awareness and Training	6
	4.8 Record Keeping	6
5	Dealing with Concerns and Complaints	7
6	Informal Concerns	7
	6.1 Guidance	7
	6.2 Informal Concerns – Procedures Stage 1	7
	6.3 Informal Concerns – Procedures Stage 2	8
7	Formal Complaints	9
8	Formal Complaint – Stage 1	9
	8.1 Guidance	9
	8.2 Formal Complaints – Procedures Stage 1 – A	10
	8.3 Formal complaint - Procedures Stage 1 – B	11
9	Formal Complaint – Stage 2	11
	9.1 Guidance	11
	9.2 Stage 2 Formal Complaint – Procedures	12
10	Further Recourse – Stage 3	15
	10.1 The Advice and Conciliation Service	15
	10.2 Referral to the Ombudsman	15
Appendix 1	Summary of the Stages of the Informal Concerns Procedure	17
Appendix 2	Summary of the Stages of the Formal Complaints Procedure	18
Appendix 3	Guidance on Listening to Complaints	19
Appendix 4	Byron Wood Primary School Record of a Concern	20
Appendix 5	Record for a Formal Complaint	21
Appendix 6	Form for the Submission of a Formal Complaint	22

Byron Wood Primary School Complaints Procedure

1 Introduction

The school seeks to be a "listening school" and will do its best to enable parents to feel confident to raise issues and concerns with appropriate staff.

However, there will inevitably be occasions when parents or carers are dissatisfied with what is happening in school.

Similarly, neighbours of the school or other members of the local community may be dissatisfied by some aspect of school life.

Section 29 of the Education Act 2002, places a duty on Governing Bodies of all maintained schools and maintained nursery schools in England, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

Where there are established statutory and other procedures for dealing with a complaint, these will be followed. These guidelines therefore do not cover those matters for which such a procedure already exists such as:

- Admissions to schools
- Exclusions from school
- Special Educational Needs Provision
- School re-organisation
- Matters concerned with the school curriculum
- Serious complaints against school staff
- Child Protection issues / Safeguarding

Any third party providers offering community services or facilities through the school premises or using school facilities (even if it is hiring it out for a function or meeting) should have their own complaints procedures in place. They will be asked to give the school a copy when applying to hire the school.

We will try to resolve parents' or community concerns as informally and quickly as possible and always make clear what action, if any, is being taken.

Where it has been impossible to resolve a complaint at School Management level, the Governing Body will consider the complaint via a Complaints Panel and a Complaints Appeals Panel

Complaints will be considered following a clear set of procedures based on Sheffield Children Young People and Families Service (CYPF) guidance. These procedures will be made clear to any parent making a complaint.

Individual complaints will not be discussed by the full Governing Body.

If a complaint is brought to the attention of an individual Governor, s/he will make sure that the complaint is dealt with under the School's Complaints Procedure.

Advice will be sought from the CYPF to help resolve complaints whenever this is appropriate.

In order to investigate complaints as fully as possible, the Governing Body of Byron Wood Primary School will implement a staged approach. This is set out in the following pages.

2 Definitions

Informal concern

Any expression of dissatisfaction will, in the first instance, be treated as an informal concern and it is expected that most concerns will be resolved at this level.

Formal complaint

If the issue is not resolved at the informal concern stage it will move to the next stage and be regarded as a formal complaint.

Formal complaints should be made in writing other than in exceptional circumstances.

Complaints can be made by parents or carers of children who attend the school, or from neighbours of the school or school community affected by the services the school provides.

3 Procedure

The procedure set out in the following pages outlines the stages both formal and informal through which a complaint made against the school will proceed. At all stages, the aim is resolution to the satisfaction of both parties and a mutual understanding of the problems believed to exist in order that improvements can be made where necessary.

Conciliation or mediation between school and complainant can be considered at any time within the informal or formal stages as set out in this guide. The Advice and Conciliation Service within the Local Authority is independent of the school and can be contacted at any stage for advice and guidance.

4 Principles

In most circumstances it will be expected that an issue will have been raised firstly as an informal concern. This will be the first stage of the procedure and the aim will be to resolve any issues at this informal stage so they do not develop to become a formal complaint.

Where agreement and resolution cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly and equitably.

After initial investigation of a complaint, a decision may well be made to use the discipline, capability or other appropriate procedure.

Anonymous complaints will not normally be considered under the procedure set out here.

There will be a clear distinction between an informal concern and a formal complaint.

Concerns and Complaints will be treated seriously and courteously and given the time they require to be heard. All cases will be investigated impartially.

Once at the formal complaint stage the school will ensure that the complainant is given a copy of the complaints policy.

During the time a formal complaint is being investigated communication between the school and complainant must be to discuss urgent issues only, for example, to report an absence. This is to ensure that the hearing is not influenced unfairly.

The school will aim to follow the procedure when possible and as appropriate. See flow charts in Appendices 1 and 2 .

In addition, the Advice and Conciliation Service may be contacted for further information and advice.

It may well be the case that action taken under the procedure may lead to action being initiated under other procedures, for example, statutory procedures. In these instances, the investigations under the complaints procedure should be suspended until action under other (including appeals) procedures has been concluded. The complainant should be advised that alternative action is being taken, but will have to remain confidential until that procedure has been completed. The complainant should also be advised of any probable delay in the final resolution of the complaint that will result.

There is an expectation on both parties that after making a formal complaint both parties should adhere to the policy and procedures, keep to set time scales and work within the spirit of the policy aiming towards achieving a resolution.

It is expected that all complainants should act at all times in an appropriate and respectful manner. If concerns are raised, this should be done in line with the policy and in an appropriate place and at an appropriate time (for example not in front of other parents or pupils and not in an open public space).

4.1 Publicity

A summary of how the school deals with concerns and complaints will be included in the information that is given to parents/carers when their children join the school. School also provides leaflets and letters home for parents and carers explaining how problems are dealt with and what parents/carers should do if they have a concern.

The full complaints procedure can be found on the school website and parents can obtain a hard copy if they request one. If parents/carers cannot access the copy provided, the school will make every effort to provide a copy of the procedure which is accessible. For example in a different language or in Braille or large print etc.

4.2 Timing

Procedures should be as speedy as possible, consistent and fair to all concerned. Each stage of the formal procedure should have known time limits. Where it is not possible to meet these, the complainant should be kept informed of progress. It is important that the complainant keeps within the given time limits. Where the complainant does not keep to given dates, with no reason given, it will be assumed that after 10 working days¹ has elapsed that the complaint will not continue.

4.3 Support for the complainant

At any stage of the procedure parents and carers can be accompanied by a friend, relative or representative. Parents and carers may refer to the Advice and Conciliation Service for independent advice and support.

4.4 Support for a person complained against

Staff, who may be questioned as part of the investigation of a complaint, must feel that they are being treated fairly, that they will have the opportunity to put their case

¹ Working days in this context means school working days and does not include school holiday time.

and that a friend or representative may accompany them at any stage. There is a crucial balance to be maintained between supporting the individual so that his/her rights are maintained and reputation protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this will be made clear to all concerned. However, there may be occasions when a complaint leads to a disciplinary procedure which puts the complaints process on hold. If so, the complainant should be informed of this, without going into details. After the disciplinary process is completed it will be necessary to decide what further response to the complainant is required.

4.5 Confidentiality

It is expected that both the school and the complainant maintain confidentiality. All concerns and complaints will be dealt with using discretion. Whatever the complaint, parents and carers can be assured that their complaint will not penalise their child. However, it is important to note that some information will have to be shared with those involved, to ensure the complaint is fully investigated.

Usually the school will disregard anonymous complaints, but it is possible that the complaint may relate to something serious, therefore anonymous complaints may be investigated at the Governing Body's discretion

4.6 Redress

If the outcome of the complaints procedure shows the school is at fault, the school will provide redress in the form of an acknowledgement that the complaint is valid. In addition, it may be appropriate to offer one or more of: an apology, an explanation, an undertaking to review school policies or practices in the light of the complaint.

4.7 Staff Awareness and Training

All staff will be made aware of the procedures and be committed to following them. Potentially any member of staff may be involved with handling concerns and complaints, especially at the informal level. Basic training in dealing with people who are upset or angry will be provided for staff. Staff will ensure that parents / carers are directed to the most appropriate person² to deal with the concern or complaint so that parents are not continually referred from one to another. Guidance on listening to concerns and complaints is given in Appendix 3.

4.8 Record Keeping

Concerns and complaints will be recorded and monitored. The Senior Leadership Team will be made aware of on-going concerns and will inform the Chair of Governors if it is felt to be appropriate. Governors will be made aware of all formal complaints.

Recording should begin at the point at which the initial concern or complaint is made. The nature of the concern should be noted and any action taken, if appropriate, and the outcome recorded. Recording at the earliest stage can be a very basic record of the concern, giving the date, name of parent and general nature of the concern. More detailed records will be kept if the complaint becomes formal. See Appendices 4 and 5 for the pro-forma.

² Not necessarily the Head Teacher in the first instance.

5 Dealing with Concerns and Complaints

In order to investigate complaints as fully as possible, the Governing Body of Byron Wood Primary School will implement the following staged approach.

There must be clarity as to the difference between a concern and a complaint. Both will be taken seriously. All issues will be dealt with firstly as informal concerns unless it is felt that this is not appropriate.

It must be recognised that any resolution must be appropriate and within the policies of the school. Outcomes must be fair and reasonable and in keeping with the spirit of the school.

The procedure for dealing with concerns or complaints is split into 3 stages (see flow charts, in Appendices 1 and 2).

Normally an issue will start as a concern and enter stage 1. In exceptional circumstances it may be appropriate to start at a different stage. This will be at the discretion of the Head Teacher or Chair of Governors. The staged procedure allows the concern or complaint to be heard progressively by more people, and by people less closely involved who can take an objective view on the matter. Regardless of the stage, the issue will always be taken seriously.

6 Informal Concerns

6.1 Guidance

It is hoped that all concerns and complaints will be resolved as quickly as possible using an informal approach. However, although the underlying principle is that concerns should be handled, if at all possible, without the need for formal procedures, anyone receiving a complaint must ensure that a record of the complaint and its outcome is maintained. Parents and carers must be listened to and feel that they have been listened to.

There are many occasions where concerns are resolved immediately with the class teacher, the School Administration staff or the Head Teacher, depending on whom the parent or carer first approaches. Parents should raise concerns with members of staff without any formality, either in person, by telephone or in writing. It may, on occasion, be appropriate for someone to act on behalf of the parent or carer.

Initially, it may be unclear whether a parent or carer is asking a question or expressing an opinion, rather than making a complaint. Similarly, a parent or carer may want a preliminary discussion or be seeking clarification of an issue in order to decide whether he or she wishes to take the matter further. If there is any doubt, a record should be kept of this initial approach.

School staff have the right to advice or representation from their trade union (or chosen person) at any stage of the complaints procedure once it becomes clear that a complaint is being made about a member of staff. The complainant has the right to bring a friend or support. It is important that the persons there to represent either party are clear that this is a confidential process.

Informal concerns will not be reported to the full Governing Body.

6.2 Informal Concerns – Procedures Stage 1

6.2.1 A parent or carer should be given an opportunity to discuss their concern with the appropriate³ member of staff who will clarify the nature of the concern/complaint and reassure the parent/carer that the School will investigate the concern/complaint and attempt to resolve it as quickly as possible.

³ This might be the pupil's class teacher, the relevant teaching assistant, a learning mentor, the Assistant Head for the pupil's phase, the SENCo, the Head Teacher, the School Business Manager or a relevant administrative staff member. It will not automatically be the Head Teacher.

- 6.2.2 The member of staff must respond appropriately, taking into account the status and seriousness of the complaint. S/he may explain how the matter or incident arose and the issues connected with it. It may be helpful at this point for the parent or carer to identify what outcome is expected. If necessary, follow up actions will be agreed. Hopefully, the matter can then be resolved immediately. The member of staff should make a record of the concern.
- 6.2.3 On occasion it may be appropriate for someone to act on behalf of a parent and this must be taken into consideration.
- 6.2.4 It is expected that the person raising the concern should do so in an appropriate manner. It is not acceptable to be aggressive, rude or intimidatory. In such a situation the school may ask that the person involved must make an appointment so that a senior manager can be involved in the meeting. In extreme situations the school has the right to ask individuals not to enter school premises.
- 6.2.5 If the member of staff, who was approached initially, cannot deal with the matter immediately, immediately, or, it is more appropriate that another member of staff deals with the matter, then the staff approached should make a clear note of the date, the name and contact address or telephone number given by the complainant and ensure that the matter is passed on.
- 6.2.6 All members of staff should be aware of the procedure for referring a complaint to the staff member having responsibility for the area about which a particular concern has been raised. They should also ensure that when a referral has been made, this is followed through.
- 6.2.7 The member of staff dealing with the concern or complaint should make sure that the parent or carer is clear about what action, if any, or monitoring of the issue has been agreed, putting this in writing if this appears to be the best way of advising the complainant clearly about the resolution of the matter. It will also be agreed how the complainant will be informed about the outcome if appropriate. The member of staff will make a record of the concern.
- 6.2.8 The Head Teacher should be informed of on-going concerns.
- 6.2.9 Where the concern relates to the actions of the Head Teacher, the complainant should be advised to contact the Chair of the School Governing Body. The Chair or Vice Chair will investigate the matter. If there is no satisfactory resolution following the investigation, the matter will be referred to a Governors Complaints Panel comprising two or three members of the School's Governing Body.
- 6.2.10 In instances, where the person raising the concern does not feel that it is being dealt with satisfactorily, they should make an appointment with the Head Teacher/Assistant Head Teacher and progress the concern to Stage 2.
- 6.2.11 In instances where no satisfactory solution has been found within 10 school working days of the complaint having been made, parents or carers should be given clear information both verbally and in writing about how to progress their complaint and about any independent advice available to them.

6.3 Informal Concerns – Procedures Stage 2

- 6.3.1 If the complainant feels the concern has not been resolved at Stage 1, they should refer the concern to the Head Teacher or Assistant Head Teacher. This could be verbally or in writing. In some cases the Head Teacher/Assistant Head Teacher may already have been involved in looking at the matter; in other cases it may be his/her first involvement.
- 6.3.2 The Head Teacher/Assistant Head Teacher will investigate the complaint and aim to work to a resolution which they feel is appropriate.
- 6.3.3 Head Teachers have responsibility for the day-to-day running of their school. They have responsibility for the implementation of the Complaints Procedure, including decisions concerning their involvement at the various stages. This staged complaints procedure will

ensure that more than one individual is involved in hearing and investigating the complaint, if it is not resolved initially.

- 6.3.4 Head Teachers should make arrangements to ensure that their involvement does not predominate at each stage of a particular complaint. Arrangements may be made for other staff to deal with parent and carer concerns at Stage 1, allowing for the Head Teacher's involvement at Stage 2, should this be necessary. At any stage, the Head Teacher may designate another member of staff to collect information and prepare a response.
- 6.3.5 As at Stage 1, the matter will be recorded taking notes of the concern and agreed actions and outcomes.
- 6.3.6 The Head Teacher may take advice from appropriate agencies or involve the Chair of Governors if felt appropriate.
- 6.3.7 If the Head Teacher or delegated member of staff requires to speak to children involved, then the parent/carer or an appropriate other adult must be present.
- 6.3.8 If the complainant feels that their concern has not been dealt with appropriately, they have the opportunity to refer it to the Chair of Governors in writing as a formal complaint.
- 6.3.9 When a formal complaint has been registered and an appropriate response will be required. In some instances, the Head Teacher will have been involved already in looking at the matter; in others, it will be their first involvement. In all instances, it will be helpful for the Head Teacher (or other designated member of staff) to use these guidelines to ensure consistency and to ensure that regard is paid to the stages of the complaints procedure.

7 Formal Complaints

Referral to the Chair of Governors for Formal Investigation.

If a resolution at the Concern Stage has not been possible, the Head Teacher or complainant may call upon the Chair of the Governing Body to take an active role. After discussing the matter with the Head Teacher and reading any correspondence, the Chair of Governors will make a decision about the most appropriate response. This may be a written response or a meeting with the complainant. If a meeting is arranged the Chair of Governors will ensure relevant staff are present. At this stage an officer from the Advice and Conciliation Service may be invited to the meeting.

The objective is to give the complaint consideration by a wider group of people in order to look for an acceptable way forward. A written record of the meeting will be made, if necessary, by employing a clerk from the Governor Support Section.

8 Formal Complaint – Stage 1

8.1 Guidance

The complainant should make it clear that they wish to make the complaint formal. Formal complaints should normally be submitted in writing, using the pro forma given in Appendix 6.

The complaint will then be investigated according to school guidelines to ensure consistency and to make sure that nothing happens which could make it difficult for later stages to proceed smoothly.

At this stage, it will be apparent that a formal complaint has been registered and an appropriate response will be required. The Chair of Governors will take a lead in the investigation with the involvement of the Head Teacher, unless this is inappropriate. In some instances, the Head Teacher will already have been involved in looking at the matter; in others, it will be their first involvement. These guidelines and this procedure will be used to ensure consistency.

The Chair of Governors may refer to appropriate agencies for support if appropriate.

Whilst an investigation into a formal complaint is being carried out, there should be no communication between the complainant and any members of staff involved. The complainant should contact school with necessary information only, for example to explain a child's absence. Meetings between staff at the school and the complainant should not take place until the complaint has been investigated and concluded.

8.2 Formal Complaints – Procedures Stage 1 – A

- 8.2.1 Formal complaints should normally be submitted in writing, using the pro forma given in Appendix 6. In exceptional circumstances, the school may consider progressing a verbal complaint where there is believed to be sufficient grounds for doing so. School will be sensitive to the particular needs of parents/carers who may have difficulty in making a written complaint or for whom English is not their first language.
- 8.2.2 The Head Teacher or Chair of Governors will acknowledge the complaint within 3 working days of receipt. The acknowledgement will provide a brief outline of the school's complaints procedure and give a date for either a written response or a date for a meeting with the complainant, whichever is felt to be the most appropriate way forward to respond to the complaint. This will normally be within 10 school working days. If this proves to be unworkable, the complainant should be provided with an explanation for the delay and given a revised date for the provision of a response.
- 8.2.3 If the response is to be a written one, the Head Teacher or Chair of Governors will gather and collate any necessary information and provide an opportunity for a complainant to meet with them in order to supplement any information previously provided. A written response will then be sent to the complainant. The written response should include a full explanation of the conclusion reached and the reasons for that conclusion. Where appropriate, this will include details of the action taken to resolve the complaint. If the complaint concerns a member of staff and action is to be taken against the member of staff concerned, the phrase 'Appropriate action has or will be taken' should be used.
- 8.2.4 If the response is to be a meeting, it will be attended by any relevant school staff, this will normally include the Head Teacher. The aim of the meeting will be to discuss the complaint and seek a resolution.
- 8.2.5 The complainant, if they wish, may be accompanied at any meeting by a friend, relative or representative to speak on their behalf. Interpreting facilities must be made available should this be necessary. The complainant should inform the Chair of Governors who will be supporting them and explain the role of that person. Interpreting facilities must be made available should this be necessary.
- 8.2.6 The date of the meeting given will normally be within 10 school working days. If this proves to be unworkable, the complainant should be provided with an explanation for the delay and given a revised date for the provision of a response.
- 8.2.7 If the complainant cannot attend on this date, they should contact school and ask for a new date for the meeting. They should do this as soon as possible after receiving the date.
- 8.2.8 The meeting will provide an opportunity for a complainant to meet with representatives of the school in order to supplement any information previously provided.
- 8.2.9 The Head Teacher or Chair of Governors will, if necessary, interview witnesses and take statements from those involved. If the complaint concerns a pupil, the pupil should also be interviewed. In some instances, another member of staff with whom the pupil feels comfortable may be asked to attend. It may be appropriate, depending on the circumstances, to invite a parent/ carer or member of staff to be present when the pupil is interviewed. The Chair of Governors should keep written records of all meetings, telephone conversations and other contacts made during the course of the investigation of a complaint.

- 8.2.10 The complainant should be advised that, should they find the Head Teacher's/chair of Governor's response inadequate and they wish to take matters further, they should notify the Chair of Governors within 10 school working days of receipt. The Chair should arrange for a Governors Complaints Panel to investigate the complaint and would normally chair this panel unless s/he has already been involved in dealing with the complaint or an alternative chair has been designated by the Governing Body.
- 8.2.11 Where the complaint has been made against the Head Teacher, arrangements should be made for the initial investigation (outlined above) to be conducted by a single Governor (usually the Chair or Vice Chair of Governors) or a suitably constituted Governing Body Complaints Panel which will undertake Stage 2 of these procedures.

8.3 Formal complaint - Procedures Stage 1 – B

The Advice and Conciliation Service:

If this service has not already been accessed, they could be asked to become involved at this stage to help to mediate to reach a resolution and an agreed way forward.

A mediated meeting between the complainant and the school to discuss a solution may be suggested if both parties are in agreement. The aim here is to seek an early resolution to the complaint for the benefit of the child, parents/carers and the school. Prolonging a complaint longer than is necessary is of no benefit to any of the parties involved. Such involvement is not however intended to compromise the formal complaints procedure. A complainant reserves the right to invoke more formal procedures should this be thought necessary to resolve matters.

If the complainant does not find the outcome of Stage 1 of the formal process to be satisfactory, and they wish to take matters further, that they should notify the Chair of Governors within 10 school working days of receipt of the letter or within 10 working days of the meeting or agreed end date of any action. The Chair should arrange for a Governors Complaints Panel to investigate the complaint and ensure a chair for this panel is designated.

9 Formal Complaint – Stage 2

9.1 Guidance

Review by the Governing Body Complaints Panel

It is anticipated that complaints will rarely reach this stage. It is, however, important that should they do so, any appeal is not only independent and impartial but that it should be seen to be so. All complaints reaching Stage 2 will have done so because the complainant has not been satisfied with the response provided by the Head Teacher (or Chair of Governors if the original complaint has been about the Head Teacher) at an earlier stage of the procedure. Therefore, governors who have had no prior knowledge of or involvement in the complaint must, as far as is possible, handle any appeal.

As this is the last stage at which a resolution may be reached, every effort should be made to either mediate or conciliate. Parents/carers may therefore wish to seek assistance from the Advice and Conciliation Service, particularly if contact has not previously been made.

Complaints will be considered by a panel, not by the full Governing Body. Any governors with previous knowledge of the problem will not be involved on the panel. It is important that this review is independent and impartial and is seen to be so

Should a complaint result in disciplinary action against a member of staff it would be necessary for there to be sufficient governors with no prior involvement to form a Staff Disciplinary Committee.

Appeals should normally be made in writing. In exceptional circumstances, the school may consider progressing a verbal complaint where there are believed to be sufficient grounds for

doing so. The appeal should state clearly why it is felt that the complaint has not been resolved satisfactorily and, wherever possible, supported by documentary evidence or witness statements.

In the unlikely event of pupils needing to be interviewed, care must be taken to ensure that parental permission is obtained. In all instances a single governor should interview the pupil and parents/carers should be given the opportunity to attend but, if they are unable to do so, a nominated member of staff should accompany the pupil.

The Chair of the Governing Body (having been previously involved) will act as a convenor for the meeting to ensure the process is carried out in line with the guidelines. When possible the person convening the meeting will appoint a clerk to minute the meeting. The convenor of the meeting will be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensure that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the Panel's decision.

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and complainant. However, it has to be recognised that sometimes it may be possible to establish facts only and make recommendations that will satisfy the complainant that their complaint has at least been taken seriously. If it is thought that the school has acted properly and within policies at all times, this will be communicated to the complainant.

9.2 Stage 2 Formal Complaint – Procedures

9.2.1 Upon receipt of a written request by a complainant for the complaint to proceed to Stage 2, the procedures outlined below should be followed:

- The Chair of the Governing Body should write to the complainant acknowledging receipt of the written request.
- The acknowledgment should inform the complainant that an Appeal Panel made up of three members of the Governing Body, will be set up to investigate the complaint once all the relevant information has been received.
- The acknowledgement should explain the timescales all parties will be expected to work within, usually 20 working days from the receipt of the request. Where it is not possible to meet timescales, written notice should be given to the other party with an explanation.
- The acknowledgement should also explain that the complainant has the right to submit any further information or documentation relevant to the complaint. Any such documentation must, however, be received in sufficient time for this to be sent to the Chair or Panel members charged with conducting the investigation.
- It should be explained that this documentation will be sent to the School for a response.

9.2.2 Once the documentation has been sent to the School, the School/Chair of Governors will then make a statement of response.

9.2.3 The Chair of Governors will collate the information and circulate it to the complainant, Head Teacher, relevant witnesses and Panel members. A meeting date will be set for the Appeals Panel to consider the complaint. Details of the date, time and venue of the meeting will be given. An opportunity for the complainant to request a change of date will be given but if they wish to change the date, they must inform the Chair of Governors within 2 days of receiving

the letter. Every effort will be made to offer a suitable date and time to the complainant and School but if this is not possible the Appeals Panel will sit using the written information.

- 9.2.4 The Chair of Governors should convene an Appeals Panel elected from members of the School's Governing Body. Panel members should be governors who have had no prior involvement with the complaint, unless that is unavoidable. Generally speaking, it is not appropriate for the Head Teacher or other staff members to have a place on the panel. Governors may wish to bear in mind the advantages of having a parent/carer (who is also a governor) on the panel. Governors should be sensitive of issues of race, gender and religious affiliation and the make-up of the panel should, if possible, reflect the three categories of LA, Parent and Co-opted governors.
- 9.2.5 The Chair should ensure that the Panel hears the complaint within 20 working days⁴ of receiving the request. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel has been determined.
- 9.2.6 The Chair should write to inform the complainant, Head Teacher, relevant witnesses and Panel members of the date, time and venue of the meeting, at least 10 school working days in advance. The details of the complaint available at that time should also be sent in writing to the Head Teacher.
- 9.2.7 The notice of the Panel meeting sent to the complainant, should also inform him/her of their right to be accompanied to the meeting by a friend, advocate or interpreter. This notice should also explain how the Panel meeting will be conducted and of the complainant's right to submit further written evidence to the Panel at least 5 working days in advance of the meeting. Any additional evidence will be shared with the School. The School will have the opportunity to respond in writing or verbally at the meeting. The Chair should also invite the Head Teacher to attend and to prepare a written report for the Panel in response to the complaint.
- 9.2.8 The Head Teacher may invite members of staff who have been directly involved in matters or issues raised by the complainant to respond in writing or, at the discretion of the Panel Chair, to attend the meeting in person. All concerned, including the complainant, should receive all relevant documentation, including the Head Teacher's report, at least 5 school working days in advance of the meeting.
- 9.2.9 It is the responsibility of the panel Chair to ensure that the meeting is properly recorded.
- 9.2.10 The aim of the Panel meeting is to resolve the complaint and achieve reconciliation between the School and the complainant. It has to be recognised, however, that whilst the intention is to ensure that any complaint, which reaches this stage, is seen to have been treated seriously, it may not be possible to make recommendations that fully satisfy the complainant.
- 9.2.11 The Panel should be sympathetic to the fact that some parents/carers will not be used to dealing with groups of people in formal situations such as this and may, therefore, feel intimidated by the setting. It is suggested therefore that the Chair ensures proceedings are as informal as the circumstances allow.
- 9.2.12 Should either party wish to produce previously undisclosed or uncirculated documentation, it is in the interests of natural justice to adjourn the meeting to allow sufficient time for each party to consider and respond to this.
- 9.2.13 At Stage 2, the complainant and the Head Teacher, together with and other staff who are involved with the complaint should be interviewed separately in order for the Panel to form a clear and independent view of the complaint. The interviews, which can be arranged to run consecutively, should allow for:
- the complainant to explain the nature of their complaint(s);
 - the Head Teacher to explain the School's response to the complaint;

⁴ Throughout, working days means school working days

- panel members to have an opportunity to question both complainant and Head Teacher;
- all parties to have a right to call witnesses (subject to the approval of the Chair) and the Panel to have the opportunity of questioning all witnesses;
- parents/carers, Head Teacher and staff to have the right of representation at the meeting if they so wish.

9.2.14 The Chair should explain to the complainant and the Head Teacher that the Panel will consider its decision and a written response will be sent to both parties within 15 working days.

9.2.15 The Panel will:

- consider the complaint and all the evidence presented and reach a unanimous or at least a majority decision on the complaint;
- decide upon the most appropriate course of action to be taken to resolve the complaint and,
- where appropriate, suggest recommended changes to the School's systems or procedures to ensure that problems of a similar nature do not arise in future.

9.2.16 If it is felt that the school has acted appropriately at all times, this will also be fed back to the complainant and Head Teacher.

9.2.17 Recommendations should be reported to the Governing Body at an appropriate time and a written statement outlining the decision of the Panel should be sent to the Head Teacher and complainant. Should any action need to be taken against a member of staff, in order to protect their rights, the phrase 'Appropriate action has or will be taken' should be used.

9.2.18 Governors should ensure that a copy of all correspondence and accompanying notes are kept on file. These records should be kept separately from the pupil's personal records.

9.2.19 The procedure in Stage 2 of the formal complaint should follow the timescales below unless there are special circumstances.

Note: Days are working days and do not include weekends and school holidays.

Time scale	Actions
Day 1	Request made by a complainant to proceed to Stage 2
By Day 3	Chair acknowledges receipt, explains process and requests information
By Day 8	Complainant to have submitted additional information or evidence
By Day 10	Chair collates and circulates information and sets date, time and venue for the meeting.
Note	If complainant is not able to make meeting date they should request change within 2 days of receiving information
By Day 15	Additional information shared with School
By Day 20	By this time the meeting should have taken place
15 days after the meeting	A written response of the Panel's decision sent to both parties.

10 Further Recourse – Stage 3

10.1 The Advice and Conciliation Service

The Advice and Conciliation Service is an impartial Service based within Children and Young People's Services and aims to help all partners and agencies become more responsive to comments, complaints, criticisms and suggestions from parents/carers, young people and other service users. We aim to investigate and resolve issues through mediation and to promote conciliation towards resolving difficulties.

The Service offers support to parents/carers who are dissatisfied with the service they have received from the Children and Young People's Service or from School. They provide information, help and advocacy to parents, carers and others by suggesting approaches and ways of dealing with issues, to reduce the number of concerns that might otherwise become formal complaints.

The Service provides:

- impartial information, advice and support to parents, carers, schools and others relating to a range of educational issues;
- advice on rights, roles and responsibilities;
- advice on the procedures for making and responding to complaints and appeals for information;
- independent mediation and impartial support to parties involved in conflict.

The Service also aims to raise awareness by:

- developing links and networks with schools, other agencies, professionals and organisations in order to raise awareness of parental concerns;
- providing parents/carers with a wide range of information and training to ensure they are empowered to make informed decisions about the education of children in their care.

The Advice and Conciliation Service can be contacted by:

- Post: Advice and Conciliation Service, Level 3, North Wing, Moorfoot, Sheffield S1 4PL
- Telephone: 0114 2053938 or 2053939
- Fax: 0114 2053940
- Email: ed-adviceandconciliation@sheffield.gov.uk

10.2 Referral to the Ombudsman

From September 2010 parents/carers have the option to go to the Local Government Ombudsman (LGO) if they feel they have an unresolved complaint and have suffered injustice as a result of the actions of the School.

10.2.1 Unless there are exceptional circumstances, the Ombudsman will not deal with a complaint unless the School has had a proper opportunity to consider it and respond.

10.2.2 Further information can be obtained by contacting the LGO Advice Team on 0300 061 0614, by e-mail to advice@lgo.org.uk or by visiting their website at www.lgo.org.uk/schools. The address to which correspondence should be sent is PO Box 4771, Coventry CV4 0EH. Advisers will pass the complaint to a specialist team who will evaluate it and speak to the complainant before deciding how to proceed.

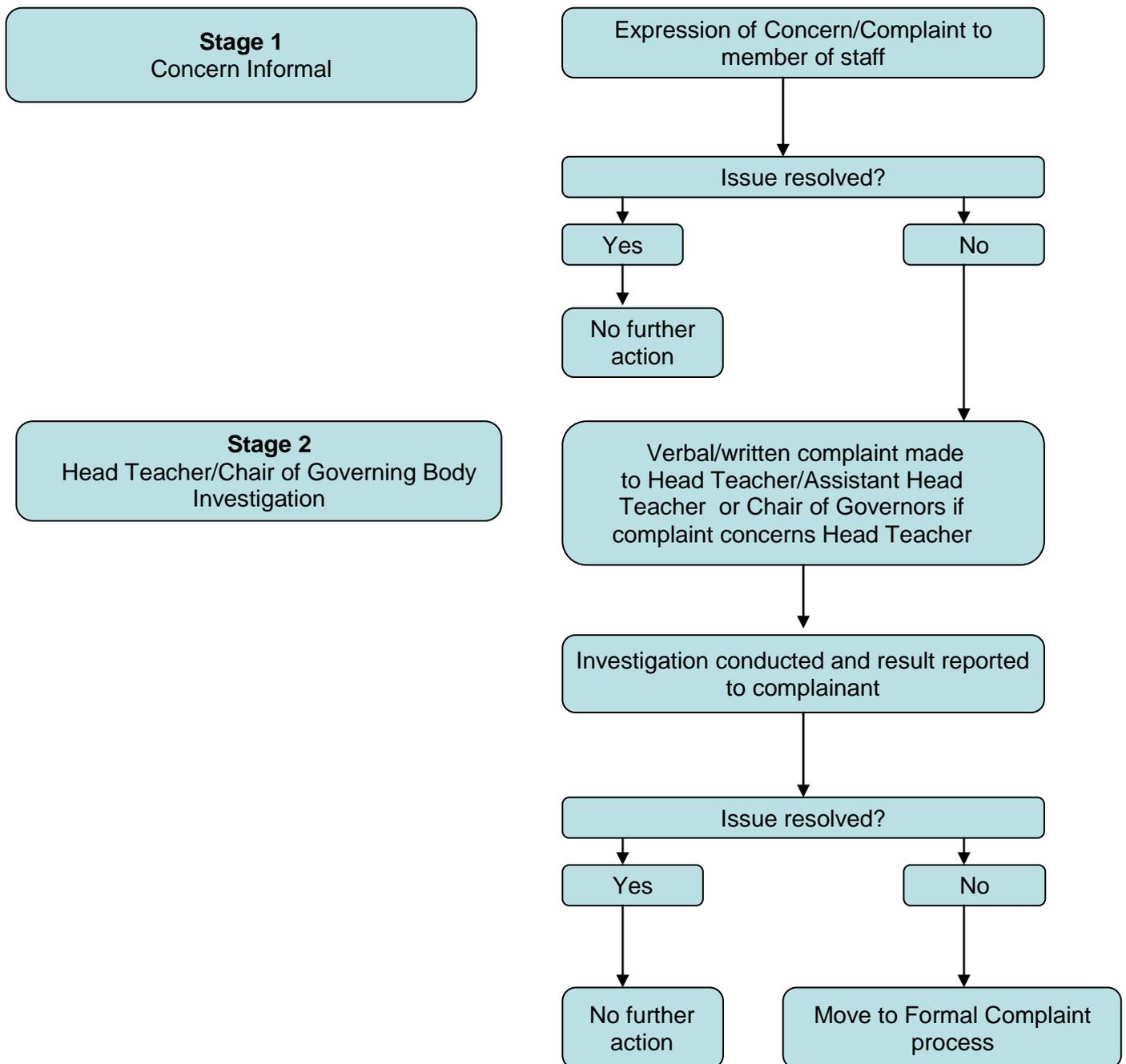
At any stage, the LGO can decide whether or not to pursue a complaint. If the decision has been made not to pursue a complaint, the complainant will be written to with an explanation of the reasons. If the complaint is to be pursued, the Ombudsman will write to the complainant and advise them how it will be investigated. The aim is to reach a decision as quickly as possible, especially when time is an important factor. Both parties will be kept informed and will have an opportunity to comment on the thinking before a decision is

made. If recommendations are made, the Governing Body must consider the decision and respond. If dissatisfied with the response from the Governing Body, the LGO can require an 'adverse findings notice' to be published in the local press.

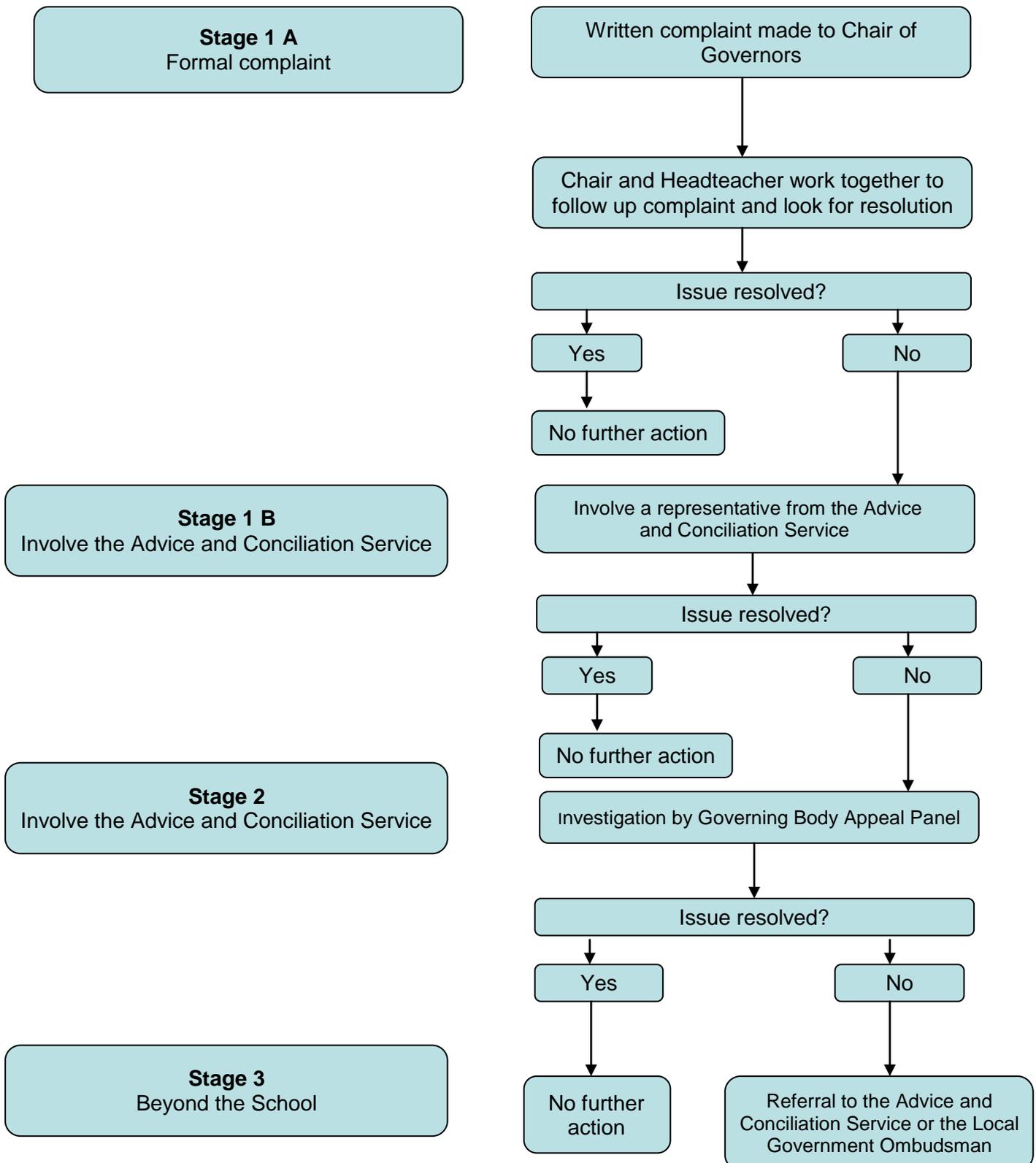
The LGO's prime focus in dealing with complaints about schools is the needs and best interests of the child and the continuing relationship with the school.

The LGO is not empowered to consider or investigate disciplinary matters involving an individual teacher or matters that affect all or most of the pupils at a school.

Appendix 1 Summary of the Stages of the Informal Concerns Procedure



Appendix 2 Summary of the Stages of the Formal Complaints Procedure



Appendix 3 Guidance on Listening to Complaints

As soon as you realise you are listening to a complaint, remember the following points:

- **Take responsibility**
Try not to keep transferring an angry person on from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.
- **Don't be flippant**
First impressions count. You and the school may be judged on your immediate reaction.
- **Treat all complaints seriously**
However small or trivial an issue may seem to you, the complaint itself will be an important one for anyone who takes the trouble to complain.
- **Be courteous**
Be sympathetic and helpful, but do not blame other colleagues.
- **Say who you are**
If you are unknown to the complainant, introduce yourself.
- **Ask for their name and use it**
Anonymous complaints are acceptable only in exceptional circumstances.
- **Take time to figure out exactly what the problem is**
It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.
- **Don't take the complaint personally**
To an angry parent or carer, YOU are the school and the only one they can put their feelings to right now.
- **Stay cool and calm**
Do not argue with the complainant. Be polite and try to establish exactly what it is he or she is believes the issue to be.
- **Check you are being understood**
Make certain that the parent or carer understands what you are saying. Avoid using jargon- it can cause confusion and annoyance to someone 'not in the know'.
- **Don't rush**
Take your time. Let the complainant have their say and let off steam if they need to. Listen carefully and sympathetically to their problem before replying and attempting to find a solution or suggesting the next step.

Appendix 4 Byron Wood Primary School Record of a Concern

BYRON WOOD PRIMARY SCHOOL – RECORD OF A CONCERN

Recorded by

Concern raised on Date Meeting/Phone Call /letter (attach) other

Child/children and class

Person raising concern

Role Tel

Person dealing with concern Role

Discussed concern with / Role / Contact number

Background

Outcomes / Actions

Concern raised / Notes of discussion

Appendix 5 Record for a Formal Complaint

BYRON WOOD PRIMARY SCHOOL – RECORD OF A FORMAL COMPLAINT

To be completed by representatives of the school.

Name of Complainant:

Pupils name and class

Complainant's relationship to pupil

Complainant's address

Telephone number

Brief summary of complaint

.....

Brief summary of action taken so far

.....

Persons involved

.....

	Date /s	Name
Written request to move to Stage 1 formal complaint		
Response from Chair of Governors		
Meetings		
Written request to move to Stage 2 formal complaint		
Governors' acknowledgement		
Information received		
Written response / meeting date		
School statement received		
All statements sent to Panel and personnel involved		
Concluding statement sent out		

Form signed off by Print name

Role

Date

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

For Official use by the school

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: