

Nursery Hill Primary School

Ansley Common

Nuneaton



Complaints Procedure

The Governing Body of Nursery Hill Primary School have adopted the following policy to deal with formal complaints from members of the school community or general public.

Dealing with concerns at the earliest opportunity

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

1. Discuss their concerns with the **member of staff** most directly involved;
a. and, if not satisfied;
2. Discuss their concerns with a **senior member of staff** (*We expect the majority of concerns will be resolved in this way - and not recorded as a formal complaint. However if not the following formal procedure will be followed*)
a. and, if not satisfied;
3. Discuss their concerns with the **Head Teacher**. This is **Stage 1 of the formal process**

Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the Chair of Governors or Clerk to the Governing Body.

Resolving Complaints

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

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

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Principles informing our Complaints Procedure

This procedure is designed to:

- be well publicised and easily accessible;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time limits for action and keeping people informed of the progress;
- allow a mediation process if agreed by the complainant;
- allow for a hearing of a panel of Governors, where appropriate;
- respect people's desire for confidentiality, wherever possible;
- address all points of issue, provide an effective response and appropriate redress where necessary;
- provide information to the school's Senior Leadership Team so that services can be improved;
- Ensure a full and fair investigation by an independent person where necessary.

Making a Complaint to the Governing Body - Stage 2

Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write to the Chair of Governors or Clerk to the Governing Body at the school address. The envelope should be marked 'FOR IMMEDIATE ACTION' 'PRIVATE AND CONFIDENTIAL' and staff in the school office must ensure that the letter is forwarded without delay.

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

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

- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right.

At this point the Chair of Governors will decide whether the complaint has been dealt with appropriately, should go straight to the Governors' complaints panel or whether a mediation stage should be offered. Mediation can only proceed if the complainant and the Head Teacher are willing for it to be tried. If mediation is not successful, the complaint will be considered by the Governors' complaints panel.

Mediation

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

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

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

- an acknowledgment that the complaint is valid in whole or in part.
- an appropriate apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an acceptance that the complaint needs go no further;
- a commitment to review school policies in light of the complaint.

See Appendix 3 for further details on Mediation.

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of Governors.

Establishing a Complaints Panel

The governing body should agree the composition of the complaints panel at the first meeting of the governing body each year. As governors may not be available at all times governing bodies are advised to agree the names of 4 or 5 possible governors from whom a panel of three may be drawn. The decision about the membership of a particular panel will depend on factors such as availability, whether any governors have prior knowledge or have a conflict etc. and the decision will be made by the Chair of Governors. When the clerk of governors receives a copy of the complaint form she will inform the governing body that a complaint has been received and that it has been passed to the panel to deal with.

No further information about the complaint should be shared with other governors.

There are several points which any governor sitting on a complaints panel needs to remember:

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- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it;
- b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;
- c) The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is not intimidating and not adversarial.

The Chair of the Panel will be nominated by the Chair of Governors and is responsible for ensuring that both complainant and Head Teacher are given a fair hearing and that the panel arrives at its judgment without fear or favour.

The Remit of the Panel

The complaints panel can:

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

It may:

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

Format of a Panel Hearing

1. Complainant and Head Teacher will enter the room where the hearing is taking place together.
2. The chair will introduce the panel members and the clerk and outline the process.
3. The complainant is invited to explain the complaint.
4. The Head Teacher may question the complainant.
5. The panel will question the complainant.
6. The Head Teacher is then invited to explain the school's actions.
7. The complainant may question the Head Teacher.
8. The panel will question the Head Teacher.
9. The complainant is then invited to sum up their complaint.
10. The Head Teacher is then invited to sum up the school's actions and response to the complaint.
11. The chair explains that both parties will hear from the panel within five working days.
12. Both parties leave together while the panel decides on the issues.
13. The clerk will remain with the panel to clarify any issues

Notes for Panel Hearings

- The hearing should be made as unthreatening as possible to all parties;

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- The panel may ask questions at any point. Panel members must find ways to ask probing questions while maintaining impartiality;
- The Head Teacher must have no contact with members of the governors' complaints panel except when the complainant is present to preserve the principle of neutrality. This means that Head Teacher and complainant enter and leave the room where the hearing is held together;
- The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing —there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.

Exceptional Circumstances

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

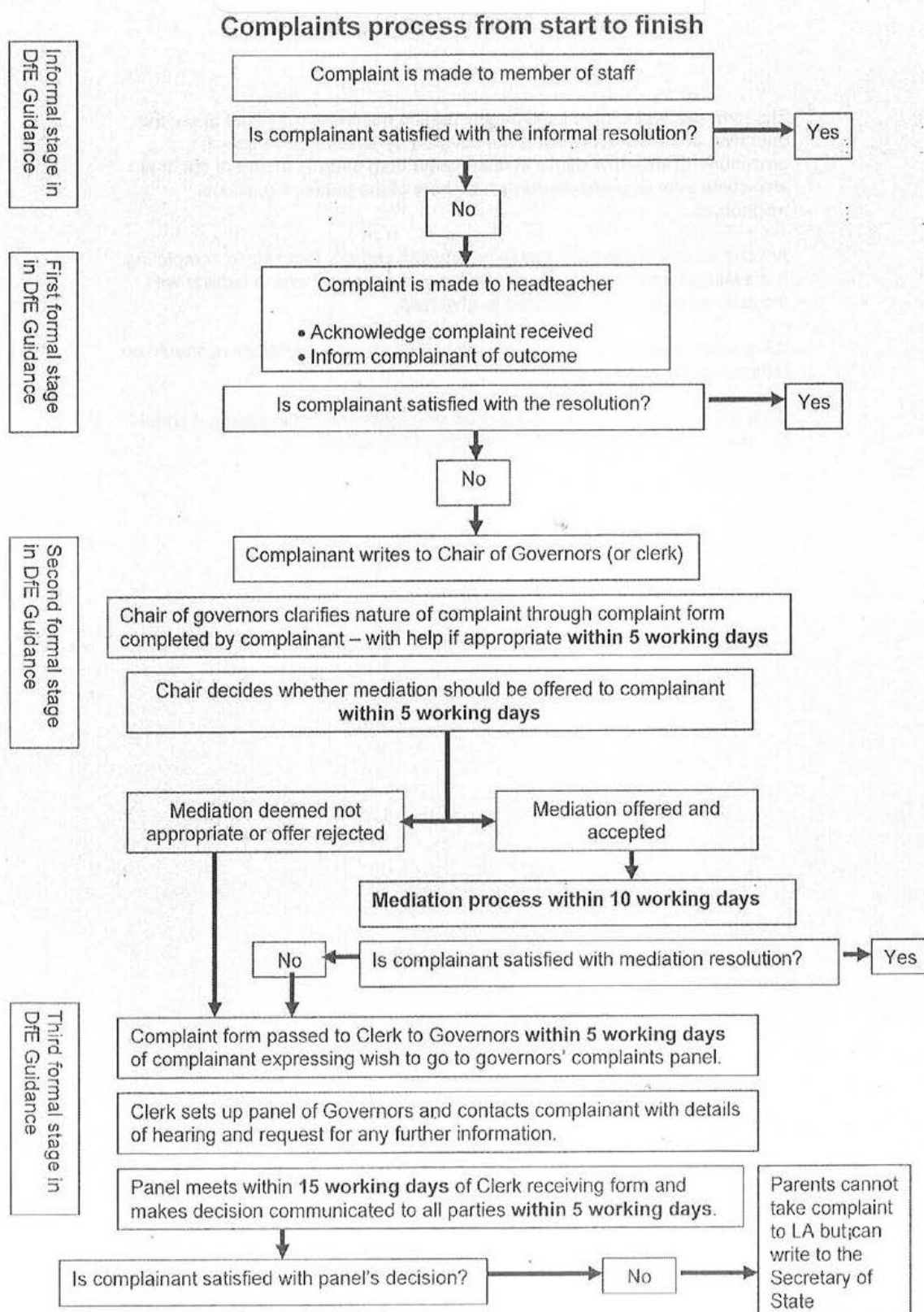
1. **The chair of governors may not be able to find three governors who have no prior knowledge of the case** - If a case has become a major talking point around the community, the chair can nominate three governors with minimal prior knowledge. If there are still insufficient governors able to sit on a panel, the Governing Body in consultation with the Local Authority will put in place an alternative fair process. Governor Services would be contacted in the first instance on 01926 412259.
2. **A complaint to the governors' complaints panel will never be against a junior member of staff** (it may be against the way the Head Teacher handled a complaint against a junior member of staff) but it is conceivable that a Senior Leader will appropriately stand in for the Head Teacher. That would need to be considered very carefully but if agreed the Senior Leader would be 'the Head Teacher' for the purpose of the panel.
3. There may be exceptional circumstances in which the complaint is against the Chair of Governors —e.g. for refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Head Teacher' would be read as 'Chair of Governors'.

Writing the decision letter

The clerk should ensure that she has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all three panel members, it should be sent to the complainant with a copy to the Head Teacher. The letter should clearly express how seriously the panel considered the complaint. The clerk should be careful that the letter sticks to the facts and gives no hint of partiality. The clerk should ensure that the letter reaches the complainant and the Head Teacher within five working days.

Monitoring Complaints

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The monitoring and review of complaints by the school and Governing Body can be useful to evaluating the school's performance. Any discussion of complaints by the Governing Body or others in the school community should not name or be able to identify individuals. The flowchart overleaf summarises the complaints process.



Appendix 1 – Nursery Hill Primary School Complaint Form – Page 1

This form must be used by any person making a complaint about the operation of the school which is not covered by an alternative specific procedure. Anyone receiving this form should be advised verbally that help in completing it is available from the school. A member of school staff who is familiar with the process should be nominated to give help.

Please complete and return to the Clerk of the Governing Body at the school address. The envelope should be marked 'FOR IMMEDIATE ACTION' 'PRIVATE AND CONFIDENTIAL'. The Clerk will acknowledge receipt and explain what action will be taken.

Your name: _____

Address: _____

Postcode: _____

Daytime telephone number: _____

Evening Telephone number: _____

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

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

Please give details of your complaint:

Appendix 1 – Nursery Hill Primary School Complaint Form – Page 2

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

What actions do you feel might resolve the problem at this stage?

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

Signature_____ Date: _____

OFFICIAL USE:

Date acknowledgement sent:_____

By Whom: _____

Complaint Referred to:_____

Date:_____

Appendix 2

Sharing your concerns about your child's education - A Parents' Guide

Nursery Hill Primary School recognises that at times things can go wrong. This guidance will help you understand how to resolve concerns you may have about your child's education.

The school has procedures for dealing with concerns or complaints and we value any feedback about our services, including compliments and suggestions. If you are concerned about any aspect of your child's education, you should contact your child's Class Teacher at the school.

The school's Governing Body has overall responsibility for the school and for ensuring the well-being of pupils and that all pupils receive an appropriate and high standard of education.

The Head Teacher is responsible for making decisions on a daily basis about the school's internal management and organisation. So you should contact the school if you are concerned about an issue such as:

- your child's academic progress;
- special education needs provision;
- your child's welfare;
- bullying;
- something that has happened in school.

How do I complain to the school?

Firstly, we hope you will speak to your child's class teacher as soon as you have a concern. This informal approach is nearly always the quickest and most effective way of resolving your concerns. If you feel that your concern has not been resolved, then it is important to speak to one of the Senior Teachers who will look into your concern.

If, after giving the Senior Teacher time to investigate, you are still not happy, you should make an appointment to see the Head Teacher or put your complaint in writing for her attention.

If you are unhappy with the Head Teacher's response you should write with your complaint to the Chair of Governors/Clerk to the Governing Body at the school address. Mark your envelope 'FOR IMMEDIATE ATTENTION' – 'PRIVATE AND CONFIDENTIAL'

How will my complaint be handled?

Within 5 working days the Chair of Governors will clarify the nature of your complaint by asking you to complete a complaint form and will offer help in completing the form, if appropriate

Within 5 working days of receiving the form the Chair will decide whether mediation should be offered to help you and the Head Teacher explore possible resolution.

If mediation is agreed, the Chair of Governors will endeavour to set up the meeting **within 10 working days**. If that timescale is not possible you will be told the reason.

If mediation is not deemed appropriate or if it is not successful, the Chair of Governors or Clerk will set up a panel of governors to meet **within 15 working days** of receipt of complaint form to consider your complaint. The clerk will provide details of the hearing and will request any further information you may wish to provide.

What will happen at the Complaints Panel?

The complaints panel will consist of three governors who (as far as possible) will have no prior knowledge of the events being complained of. The panel will be supported by a clerk who will take notes during the hearing and will stay with the panel while they make their decision in case governors need to be reminded about responses to a particular question. The panel will hear the complaint impartially and make their decision based on the facts and the evidence they have been provided with.

Appendix 2 – Page 2

Sharing your concerns about your child's education - A Parents' Guide

Five working days before the hearing the clerk will send to you, the complainant, the Head Teacher and the three panel members, copies of all papers submitted by both sides so that there is sufficient time to read the evidence before the hearing (which must be submitted to the clerk seven days before the hearing).

At the hearing

1. You and the Head Teacher will be invited into the room where the panel is being held at the same time.
2. After introductions, you, the complainant will be invited to explain your complaint.
3. The Head Teacher may question you.
4. The panel will question you.
5. The Head Teacher will be invited to explain the school's actions.
6. You, the complainant may question the Head Teacher.
7. The panel will question the Head Teacher.
8. The panel may ask questions at any point.
9. You, the complainant will then be invited to sum up your complaint.
10. The Head Teacher will then be invited to sum up the school's actions and response to the complaint.
11. The chair will explain that you and the Head Teacher will hear from the panel **within five working days**.
12. Both you and the Head Teacher will leave together while the panel decides on the issues.
13. The clerk will remain with the panel.

Can I take my complaint further?

You cannot take your complaint to the Local Authority. The Local Authority cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with your complaint. However, if you feel that the school has acted unreasonably or not followed the correct procedures, you can write to the Secretary of State for Education <http://www.education.gov.uk/help/contactus/dfe>

Appendix 3 - The Benefits of Mediation

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

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

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

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

Recourse to mediation must be with the agreement of both parties and is intended to help arrive at a mutually agreeable solution —it is not possible to impose this on either party. Nor does it prevent a complainant having recourse to formal appeals procedures as detailed.

In-house mediation

Many Chairs of Governors and other governors already have the skills —or can acquire the skills —to conduct a mediation process between their Head Teacher and a complainant. The skills and attributes include:

- ability to listen impartially to both sides;
- ability to control a dialogue so that both sides listen to each other;
- ability to summarise the arguments and focus the dialogue;
- ability to identify areas of agreement that might form a basis for resolving one or more of the issues relating to the complaint;
- understanding that solutions cannot be imposed and that both parties need to be satisfied with whatever is resolved;
- understanding that mediation does not always work and there is a further step available to complainants.

If the Governing Body requires outside help

Warwickshire Governor Services offers a mediation service where a trained clerk, governor or adviser acts as mediator. The mediation 'package' consists of the following elements:

- familiarisation with the background and nature of the complaint (including the reading of supporting documentation and interviews with the complainant, staff and governors as appropriate.);
- a mediation meeting between the complainant and a representative of the school;
- a written summary of the mediation meeting including, where appropriate, recommendations in relation to school policies, procedures and actions.

Mediation will be undertaken by a trained clerk, governor or adviser not directly linked to the school in order to ensure complete impartiality. This service can be accessed on a consultancy basis. The standard cost of the above package is a half day unit. Where the process of familiarisation with the background to the complaint indicates that a half day of consultancy is likely to be inadequate, the school will be advised of this fact before proceeding further. **To access the mediation service contact Governor Services on 01926 412259**