

VAUGHAN PRIMARY SCHOOL

PARENTS' COMPLAINTS PROCEDURE

Review date: Autumn 2016
Next Review date: Autumn 2018

GENERAL PRINCIPLES

The procedure is designed to ensure that, wherever possible, an informal resolution is attempted.

All stages of the complaints procedure will be investigatory rather than adversarial.

The procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school and where the complaint is not simultaneously being pursued through a statutory complaints procedure. It is anticipated that, primarily, these persons will be parents, as defined by Section 576 of the Education Act 1996, and those with parental responsibility, as defined in the Children Act 1989.

The responsibility for dealing with general complaints lies solely with the school.

An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

In advising complainants of the outcome of their complaint it is important to be most circumspect in the details provided. To do otherwise may prejudice the ability of any employee complained about to continue in post. The release of certain information might be an obstacle to the fair application of disciplinary/capability procedures or otherwise contravene the employee's employment rights. Subject to this, wherever possible the complainant will be given full details of the outcome of the complaint.

In the event that a complainant believes that the person dealing with their complaint has not followed the appropriate procedure, the complainant may make request that the Governing Body review the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, will not be accepted.

DEFINITIONS

“Complainant”	Parents and/or Guardians of child who attends or has attended Vaughan School.
“Receiver”	The School Official who is responsible for receiving Complaints and in keeping the Register of Complaints.
“Complaints Register”	The Register kept by the Receiver who must immediately record details of all Complaints in the Register.
“School Day”	Any day during which the school is open.

PROCEDURES

Purpose: To establish a procedure for dealing with complaints relating to the school, as required by section 29(1)(a) of the Education Act 2002.

Scope: All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters relating to exclusion and admissions which are subject to separate procedures.

General Principles:

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 calendar months after the event being complained of will not be considered, save in exceptional circumstances.
- Investigation of any complaint will begin within 5 School Days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.
- The complaint will be investigated in accordance with the investigation procedure contained in Annex A.

Part A Complaining about the actions of a member of staff

Informal Stage

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. A written record of a complaint within this stage of the procedure will only be kept if the complainant specifically requests this. An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated. If the complaint is not resolved by meeting with the member of staff concerned the complainant should arrange to meet the Headteacher to discuss their complaint.

Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing (using Appendix A) and pass it to the Head Teacher, who will be responsible for its investigation, no more than 3 months after the after the event being complained of. If the Head Teacher is absent, the complaint must be passed to the Deputy Head Teacher.

All formal complaints will be logged in the school's Complaints Register.

The complainant should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Head Teacher may meet with the complainant to clarify the complaint.

The Head Teacher will collect such other evidence, as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, a friend or representative may accompany that member of staff if they wish.

The investigation will begin as soon as possible and in any event within 5 school days. When it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Details will then be given of action the school may be taking as a response to the complaint. Details of individual action taken in respect of a member of staff will not be given.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential.

The complainant will be told that consideration of their complaint by the Head Teacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Head Teacher in handling the complaint. Any such request must be made in writing within 10 school days of receiving notice of the outcome from the Head Teacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed.

If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

Part B Complaining about the actions of the Head Teacher

Informal Stage

The complainant is usually expected to arrange to speak directly with the Head Teacher. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith. (The mediator is likely to be a member of the Governing Body.)

Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body (the "Chair") who will determine which of the agreed procedures to invoke. If it is determined that the complaint is "General", the Chair will arrange for its investigation.

The complainant should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition the complainant will be invited to meet with the Chair or designated Governor to present oral evidence or to clarify the complaint.

The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Head Teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Head Teacher to consider this, he/she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. A friend or representative may accompany the Head Teacher at this meeting.

When the investigation has been concluded the complainant and the Head Teacher will be informed in writing of the outcome. Details of individual action taken in respect of a member of staff will not be given.

The complainant will be told that consideration of their complaint by the Chair is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair. Any such request must be made in writing within 10 school days of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

Part C **Review Process**

A panel of 3 members of the Governing Body shall conduct any review of the process followed by the Head Teacher or the Chair.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite the Head Teacher or the Chair, as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant, and the Head Teacher or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation, where this is practicable.

Notes:

The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.

If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education, Department for Education and Skills, Sanctuary Buildings, Great Smith Street, Westminster, London SW1P 3BT.

ANNEX A

INVESTIGATION PROCEDURE

Carrying out an Investigation into a Formal Complaint

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.

Where the Head Teacher or Chair of Governors receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

The member of staff against whom the complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant.

Once the complaint has been confirmed the investigator should establish who they wish to interview and what documentation they will need to review.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant and the member of staff should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and there are no adult witnesses available who may be able to give the relevant information. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewees to answer in their own way. The responses should be listened to attentively. Any temptation to cut any interviewees short or to seek to 'lead' them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information

relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.

A summary of the process undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.

Any recommendations should also be shared with all parties, unless there is good reason not to. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Governing Body.

APPENDIX A
Complaint Form

Vaughan Primary School

Please complete this form and return it to the Headteacher/Clerk of Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

.....

Relationship with school (e.g. parent of a pupil on the school's roll):

.....

Pupil's name (if relevant to your complaint):

.....

Your Address:

Daytime telephone number:

Evening telephone number:

Please give concise details of your complaint, (including dates, names of witnesses etc.), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional paperwork, if you wish.

Number of additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

Signature: _____				Date: _____			
School use: Date Form received: Received by: Date acknowledgement sent: Acknowledgement sent by:							
Complaint referred to:							
Date:							