

Killinchy Primary School



Complaints Procedure Policy

Updated January 2017

Complaints Procedure Policy



Background

The section 29 of the 2002 Education Act (England) requires governing bodies to establish procedures for dealing with all complaints relating to the school or the provision of facilities or services, **other than** “complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision”, and to publicise these procedures.

While the majority of complaints received by schools are properly dealt with by other procedures, it is still necessary for schools to have a “general” procedure for the minority of complaints that are not covered by other statutory procedures.

Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Governing Body (or LA) has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a “fair” procedure.

Guidance on the Informal Procedure

As a matter of daily routine, schools receive numerous contacts from parents and other interested parties. Many of these will be resolved simply by providing information or through the arrangement of an informal meeting. Therefore the initial approach should normally be made to the school office, or to the individual member of staff who is likely to be able to provide the necessary information.

In some cases it may be necessary to request a meeting with a senior member of staff. Any such request should be made via the school office, preferably in writing. The request will need to include sufficient details to allow the school to decide whether a meeting is necessary, who should be asked to attend the meeting and to make any necessary preparations. The procedure is likely to stop at this stage if the concern has been explained satisfactorily, or a shared understanding has been reached of the issue being raised.

Guidance on the Formal Procedure

Where a matter is more serious, or an informal approach has failed to resolve the issue, it may be raised formally as a complaint. **This should be done in writing.** On receipt of the complaint the school will normally arrange a meeting with the complainant to clarify details of their concerns and of the resolution that is being sought. Once the school has this information a decision will then be taken about the need for further investigation and the appropriate procedure to be followed. This may involve additional meetings with the complainant to obtain further information. Statute requires every school to have a large number of formal procedures in place. These include those for: pupil behaviour and discipline; exclusion of pupils; staff capability; staff conduct; and for “general” complaints relating to the school or to the provision of facilities or services.

Similarly, statute requires that a number of matters must be dealt with by other bodies, such as the Education Authority: provision to meet Special Educational Needs; failure of a school to provide the National Curriculum; Exclusion Appeals; Admission Appeals.

When the school’s procedures have been completed the complainant will be informed that the matter of their complaint has been dealt with and is now closed as far as the school is concerned. They will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties.

Selecting the most appropriate procedure

Any approach may have the potential to develop into a complaint. For that reason it is very important to follow the appropriate procedure from the outset, so that the interests of the individuals may be safeguarded and in order to seek to identify a resolution as quickly as possible. Therefore schools should have clear procedures for receiving enquiries and complaints and an effective mechanism for “triage”, so that they are directed to the appropriate person(s) for resolution.

General Principles

1. The procedure is designed to ensure that, wherever possible, an **informal** resolution is attempted.
2. All stages of the complaints procedure should be investigatory rather than adversarial.
3. The procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school and where any complaint may not be pursued through another statutory 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.)

4. The responsibility for dealing with **general complaints** lies solely with the school.
5. Any procedure should include provision that “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.
6. 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 or data protection rights.
7. In the event that a complainant believes that the appropriate procedures have not been followed, by the person dealing with their complaint, the complainant may request that the Board of Governors reviews 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, should not be accepted.
8. It is important that any potential complainant is aware of the correct channel through which to pursue their complaint. This will reduce the likelihood of letters of complaint being directed, say, to the Education Authority, MLA, local paper, individual governors etc. Therefore it is essential that reference is made to the existence of the General Complaints Procedure in the school prospectus or website etc.
9. Some existing procedures include a “hearing” stage, where the subject of the complaint is questioned in the presence of the parent or by the parent. The absence of such a stage in this procedure is deliberate as its inclusion creates an opportunity for confrontation, which runs counter to the resolution of any complaint.
10. It may be helpful to place a limit on the time after which a complaint will normally not be considered (e.g. complaints must be raised within 3 months of the event being complained of, save in exceptional circumstances).

11. Schools should include an indication of the time scale within which the school will process the complaint. e.g. Investigation of any complaint or review request shall begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation shall be completed as soon as reasonably practicable, say within 10 school days, save in exceptional circumstances.
12. The matter of keeping a record of the complaint and its investigation could be addressed. The issue of taking notes/minutes may also be addressed, along with that of their safe storage.
13. The procedure should be designed to facilitate resolution of concerns with the minimum of conflict. Therefore, it is important that the procedure adopted carries the confidence of all interested parties so that its use secures “closure”. This is more likely to be the case if the procedure adopted has been the subject of consultation.
14. The use of well designed “Complaints” and “Review Request” Forms may assist the process by focusing the complainant on the importance of being specific about the nature of their complaint and the need to provide evidence or at least to be able to cite relevant incidents. Model letters are included in Annex 4 of this document.
15. It is usually unhelpful if a complaint is broadcast to the school community. Therefore the school should make it clear any person who raises a concern that the school will treat the matter with a high degree of confidentiality and asks the complainant to do likewise. This is more likely to meet with a favourable response if the complainant is convinced that the school is taking their concern seriously and is actively seeking to resolve the matter.

Vexatious Complainants

Problems arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong.

It is these latter circumstances that can lead a school, which is acting very reasonably, to be drawn into an interminable saga with letters flying back and forth with each reply demanding more and more answers to more and more questions. Often an attempt to clarify the situation will trigger a multitude of questions, none of the possible answers to which serve any constructive purpose. It is these vexatious complainants from which schools need protection.

In such cases, the school or Principal will refer the matter to the Board of Governors.

Killinchy P.S. Complaints Procedure

General Principles

- This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

Raising a Concern or Complaint

Informal Stage

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the school office. 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. In the case of serious concerns it may be appropriate to address them directly to the Principal (or to the Chair of the Board of Governors (if the complaint is about the Principal)).

If you are uncertain about who to contact, please seek advice from the school office.

Formal Stage

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing and pass it to the Principal, who will be responsible for ensuring that it is investigated appropriately. If the complaint is about the Principal, your complaint should be passed to the chair of the Board of Governors. You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the school office. The envelope should be addressed to the Principal or to the Secretary of the Board of Governors, as appropriate.

The Principal (or Chair) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the Principal (or Chair). If not, arrangements will be made for the matter to be investigated under the appropriate procedure.

In any case you should learn in writing, usually within 5 days of receipt of your formal complaint, of how the school intends to proceed. The timescale for response may vary depending on school events or involvement of the Board of Governors however every effort will always be made to avoid unnecessary delay. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

If you are not satisfied with the manner in which the process has been followed, you may request that the Board of Governors reviews the process followed in handling the complaint. Any such request must be made in writing within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed.

Review Process

Any review of the process followed by the school will be conducted by a panel of 3 members of the Board of Governors. This will usually take place within 10 school days of receipt of your request however this may vary due to availability of governors. The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

Conclusion

At Killinchy PS we believe strongly in cooperating with parents and transparency. In the unlikely event of a complaint, we expect that in the vast majority of occasions an informal process will adequately resolve any concern. Alternatively, any formal procedures will always be guided by advice provided by the Education Authority or other appropriate body.