



Sandwell Metropolitan  
Borough Council

School  
Compliments  
and  
Complaints  
Procedure

September 2004



# School Compliments and Complaints Procedure

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# Executive Summary

## Principles of the Procedure

### Compliments

It is important for parents/carers and other individuals to let us know when we have got it right so we can celebrate our successes.

It is essential that all compliments are recorded by the Head Teacher and shared with the member of staff within five school working days.

### Complaints

The implementation of the complaints procedure in the school is the responsibility of the Head Teacher, including making decisions about their own involvement at various stages.

### Informal Procedures

General day-to-day concerns should be raised initially with the class/subject teacher where applicable. On occasions individuals, who are not parents, may need to go direct to the Head Teacher.

### Stage 1 - Formal Complaints

- All formal complaints need to be logged by the school and a record of action taken noted.
- All complaints should be acknowledged within five school working days. Every attempt should be made to respond to complainants, in a format that the complainant has requested, within twenty school working days.
- The Head Teacher will formally investigate the complaint. They will talk to everyone involved and confirm the outcome of their enquiries with the complainant.
- If the complaint is about the Head Teacher or a Governor the Governing Body will investigate and confirm the outcome rather than the Head Teacher.
- If the complainant is not satisfied they may appeal to the Governing Body within ten school working days. When the Chair of Governors receives the complaint, they may wish to investigate and respond initially. If they feel that the nature of the complaint warrants it or if the complainant requests it following the Chair's response, the complaint should progress to stage two.

**Stage 2 - Appeal to the Governing Body**

If the complainant is dissatisfied with the Head Teacher's or Governors' response three Governors, not previously involved, will hear the complaint. The Governors will report their findings to you and the Head Teacher at a meeting of the Complaints Committee.

Appeal requests should be acknowledged within 5 school working days and a meeting of the Complaints Committee should be held within twenty working days.

The meeting should be minuted and a formal record of the recommendations retained.

If the complaint is about the action of the Head Teacher or a Governor, other Governors will investigate the original complaint.

**Stage 3 - Referral to the LEA**

If the complainant remains dissatisfied with the way the Governing Body has carried out their investigation at Stage 2 of this procedure, the LEA can be asked to review the process.

When a complainant refers a complaint to the LEA an acknowledgement should be sent within 5 working days.

An LEA officer will investigate how the School/Governing Body have dealt with the complaint and prepare a report which will be shared with the complainant and Governing Body. The LEA cannot investigate the original complaint only the process that has been followed to ensure that it has been thorough and fair. The outcome of this should be reported to the complainant/Governing Body within 15 working days. Alternatively, the LEA will advise you of your rights of redress to the Diocesan Authority, where appropriate.

**Monitoring Compliments and Complaints**

Monitoring forms are to be returned to the LEA on a six monthly basis and will be reported to the Senior Management Team.

**Staff Support**

A complaint about a member of staff can be a major source of anxiety it is therefore important that members of staff involved in a complaint are kept informed about the progress (see page 8). **Please note that if the complaint relates to a Child Protection issue different procedures apply. In these cases, no information should be given to the member of staff without the agreement of Social Services and the Police.**

## **Other Procedures**

The Complaints procedures will not be used to investigate the following statutory procedures:

- ❖ Admissions to schools;
- ❖ Exclusions;
- ❖ Special Education Needs Provision (SEN Tribunal);
- ❖ Statutory Proposals for School Re-organisation;
- ❖ Serious complaints against staff;
- ❖ Child Protection Issues;
- ❖ Risk Assessment/Claim for Damages.

## **Complaints can be made about:**

- ❖ Non-compliance with curriculum issues;
- ❖ Failure to provide a satisfactory service;
- ❖ Failure to follow policies and processes;
- ❖ The conduct of staff/Governors.

## **Anonymous Complaints**

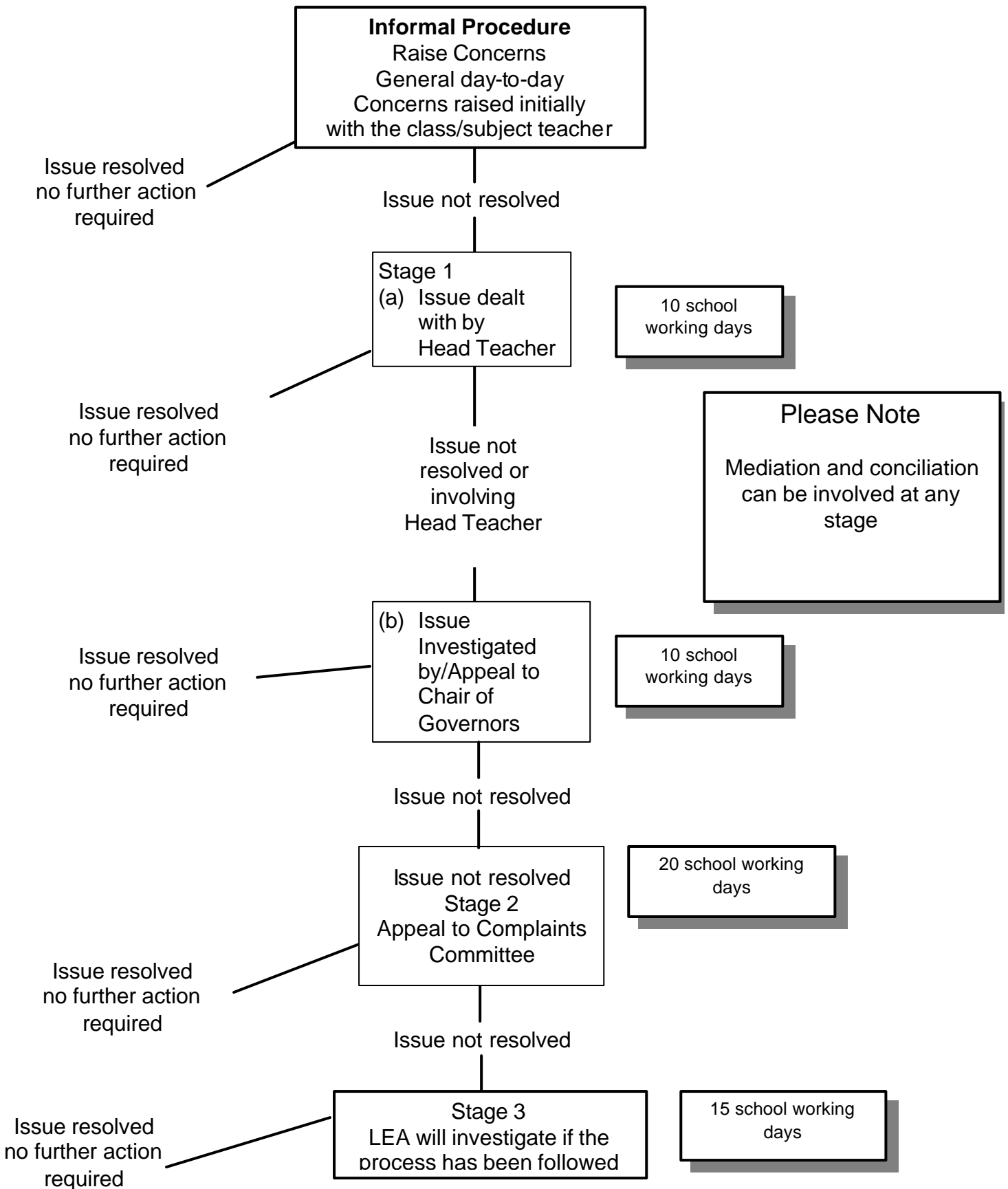
Anonymous complaints would not normally be considered under this procedure, the Head Teacher or Governors will need to make a judgement and seek consultation if necessary.

## **Investigating Complaints**

It is suggested that at each stage, the person investigating the complaint, makes sure that they:

- Establish **what** has happened so far, and **who** has been involved;
- 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;
- Interview those involved in the matter and/or those complained about, allowing them to be accompanied if they wish;
- Conduct the interview with an open mind and be prepared to persist in the questioning;
- Keep notes of the interview.

# School Complaints Procedure



## **Roles and Responsibilities**

### **The Role of the Clerk**

The LEA and DfES strongly recommend that any committee considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing, ensuring 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 Role of the Chair of the Committee**

The Chair of the Committee has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The panel is open minded and acting independently;
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.

## **Checklist for a Complaints Committee**

### **Good Practice Guide**

The Committee needs to take the following points into account:

- The hearing is as informal as possible;
- Witnesses are only required to attend for the part of the hearing in which they give their evidence;
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses;

- The Head Teacher may question both the complainant and the witnesses after each has spoken;
- The Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses;
- The complainant may question both the Head Teacher and the witnesses after each has spoken;
- The panel may ask questions at any point;
- The complainant is then invited to sum up their complaint;
- The Head Teacher is then invited to sum up the school's actions and response to the complaint;
- Both parties leave together while the panel decides on the issues;
- The chair explains that both parties will hear from the panel within a set timescale.

# Introduction

Complaints are out there. All organisations public or private have them. Good organisations find ways to get their customers to tell them when they are not happy. It follows that a certain level of complaints indicates a “healthy” organisation. Complaints are one of the most important areas of feedback and if dealt with quickly and fairly can leave parents with a better opinion of the school than before they complained. It is essential therefore that all those involved treat complaints as a gift. It is well documented that for every one person who makes a complaint and there are at least ten others who do not. Complaints are the cheapest form of customer feedback available and we must not treat them negatively.

At the same time it is also important to encourage parents to let us know when we have got it right. **Compliments are just as important as complaints** and it is essential that we celebrate our successes.

There is a lot to be gained from dealing properly with complaints in particular and it will require the support of teachers, governors and the LEA to ensure that complaints in Sandwell are dealt with quickly, efficiently and fairly. We know that there will be occasions when people will be dissatisfied with the service provided or processes and policies adopted by either the LEA or the school. It is essential therefore that we have a robust compliments and complaints procedure in place which is easy to access and where results are used to improve service delivery.

This procedure has been designed to provide all schools including voluntary aided and foundation schools with a common framework for introducing a Compliments and Complaints Procedure with the aim and objective of securing a consistent approach in Sandwell.

It is important if complaints procedures are to be embraced by staff that we move away from the blame culture and see complaints as a source of free information, which will help us secure continuous improvement, in line with the spirit of Best Value.

A robust complaints procedure will also safeguard all schools against false claims of unfair treatment and offer protection against future claims. This procedure however is not for use by members of staff as there are other more appropriate procedures such as the Grievance Procedure in place to deal with these matters. There are also line management protocols and staff should be encouraged to talk to their line manager if they are unhappy with decisions, policies, procedures etc.

# Recording Compliments

## **Procedure**

It is essential that all compliments are recorded by the school. A monitoring form, see Appendix C, has been designed for this purpose.

All compliments are to be acknowledged.

All compliments need to be shared with the member of staff involved within five school working days of receipt.

The Monitoring Form will need to be returned to the LEA on a six monthly basis and the contents will be shared with the senior management team who will acknowledge best practice within Sandwell schools.

## **Background to Complaints**

From 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, summarised below, 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.

"Section 29 of the Education Act 2002 requires that:

1. The Governing Body of a maintained school (including a maintained nursery school) shall:
  - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints failing to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
  - (b) publicise the procedures so established.
2. In establishing or publicising procedures under subsection (1), the Governing Body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State".

This procedure embraces the legislation as above but has been extended to include complaints from local residents and other stakeholders.

This approach also falls in line with the recommendations of the research and consultations done by Research and Information on State Education Trust (1997), which have been adopted by many LEAs and schools throughout the country. It also complies with the DfES draft regulations 1999 recommendations. The Trades Unions and Diocesan Authorities have been consulted.

Complaints are not always easy to define. It is, therefore, important to keep in mind a distinction between concerns, problems and complaints. They can often arise from the consequences or perceived consequences of resource allocations, operational difficulties, working practices or individual actions.

### **Underlying Principles**

The principles guiding the school's procedure for handling complaints are that it should:

- ❖ Be easily accessible and well publicised;
- ❖ Be simple to understand and use;

- ❖ Allow speedy handling, with established time limits for action and keep people informed of progress;
- ❖ Ensure a full and fair investigation in the interests of natural justice;
- ❖ Respect people's desire for confidentiality;
- ❖ Address all the points raised in the complaint and provide an effective response and appropriate redress;
- ❖ Provide information to managers and Head Teachers so that services can be improved.

Complainants will be treated seriously and courteously and given the time they require to be heard. It is important that the complainants have confidence in these procedures and know that their cases will be impartially investigated.

Complainants will be advised at the earliest possible stage of:

- ❖ The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it;
- ❖ The way in which the complaint is likely to be handled.

### Support for Staff

A complaint made against a member of staff, even if unjustified will be a major source of anxiety. In the same way that the complainant should be kept informed about the progress of their complaint and the steps you are taking to resolve it, so too should staff that are directly affected.

Staff should be informed of their right to seek representation from their Trade Union and to be supported by a friend or colleague as required.

### There are three sources of support staff can access:

- ❖ Sandwell MBC Employee Counselling Service (See Appendix B);
- ❖ A named LEA Officer or Senior member of staff;
- ❖ A Teacher Trade Union representative.

**Where there are established statutory or other procedures for responding to dissatisfaction, these will be followed. The Compliments and Complaints Procedure will not be used to investigate such matters. These include:**

#### ❖ **Admissions to schools**

Appeals about Admissions are dealt with by the School's Access Service Unit, Shaftesbury House. In the case of Voluntary Aided and Foundation schools the Governing Body is responsible.

**❖ Exclusions**

Appeals about Exclusions for all Sandwell Schools are dealt with by the Independent Statutory Appeals Panel, Democratic Services, based at Sandwell Council House, Oldbury.

**❖ Special Educational Provision (SEN Tribunal)**

Appeals about statutory assessments and statements of special educational needs are dealt with by the SEN Service Unit, Shaftesbury House.

**❖ Statutory Proposal for School Re-organisation**

Responses to Statutory proposals about school re-organisation e.g. closure, merger etc, should be sent to the Access Service Unit at Shaftesbury House. All such requests will be reported to Education and Lifelong Learning Cabinet Advisory Team and the Independent School Organisation Committee.

**❖ Serious complaints against staff**

See paragraph below and consult 'Internal Staffing Procedures'.

**❖ Child Protection issues**

Any allegations involving the protection of children will be dealt with in line with the Area Child Protection Committee Procedures. For advice and guidance on individual cases please contact the Education Welfare Service, Shaftesbury House.

**❖ Risk Assessment/Claims for Damages**

Complaints involving a claim for compensation for personal injury etc will be dealt with by the Risk Management Section, Sandwell Council House, Oldbury in line with the Risk Management Procedures (including Voluntary Controlled Schools). All claims involving Foundation and Voluntary Aided Church schools will be dealt with by the Governing Body.

<p>The key to determining a successful outcome is to ensure that the correct procedure is followed from the outset. If Governors or Head Teachers are unclear which policy to follow, please liaise with either the Customer Relations Officer, Personnel Officer, Governor Support Service or the Education Welfare Service at the LEA for advice.</p>
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**Internal Staffing Procedures (Disciplinary)**

There will be occasions when, during the investigation of a complaint, it becomes clear that other more appropriate procedures should be invoked, eg Disciplinary. In such circumstances, the complainant will be contacted by the person investigating the complaint to inform them that the matter cannot be taken any further in line with the Complaints Procedure and the reasons why. Where appropriate a new contact should be given.

On occasions there may be an opportunity to continue investigating other concerns raised by the complainant as long as this does not compromise the outcome of other procedures invoked, eg Child Protection, Disciplinary etc. If this is the case this must clearly be communicated to all involved including the complainant.

### **Definition of a Complaint**

*“A complaint is an expression of dissatisfaction however made, about the LEA and schools, the services provided and the actions of staff and Governors” Reference Ombudsman’s Good Practice Guide 1998.*

### **Complaints can be made about:**

- ❖ Non compliance with curriculum issues;
- ❖ Failure to provide a satisfactory service;
- ❖ Failure to follow school policies and procedures;
- ❖ The conduct of staff/Governors.

***This is not an exhaustive list***

It is inappropriate to get into the semantics of whether a complaint is a complaint or a moan or a grumble. The overriding philosophy is that every effort should be made to resolve the problem identified.

### **Anonymous Complaints**

Anonymous complaints would not normally be considered under this procedure. However, a judgement will need to be made by the Head Teacher or Chair of Governors, where appropriate, in consultation with the Customer Relations Officer, Education Welfare Service or Personnel as to what action, if any, should be taken.

This procedure describes the various stages that make up the School Compliments and Complaints Procedure. At all stages the aim of the procedure is to resolve complaints quickly at their point of origin and to reach a mutual understanding of the problems so that improvements can be made where necessary.

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

***Conciliation between school and the complainant can be considered at any time at any stage.***

When it is apparent that someone wishes to complain the person receiving the complaint must:

- ❖ Make a detailed record of the person's complaint containing as much detail as possible about events and the names of individuals involved or alternatively ask the complainant to put their concerns in writing if they are happy to do so;
- ❖ Ask the complainant what resolution they would ideally like to see and make a record of the response;
- ❖ Explain to the complainant that their complaint will be investigated in line with the Compliments and Complaints Procedure, explain time scales and, where possible, identify the person who will investigate at stage 1.

# **The Stages of Dealing with Concerns and Complaints**

## **Concerns - Informal Procedures**

The vast majority of concerns/enquiries can be resolved informally. There are many occasions where concerns are resolved immediately by the Class/Subject Teacher, or the complainant may wish to make an appointment to see the Head Teacher to discuss their concerns about, eg child has paint on clothing, child has not read for a week. Parents, pupils or residents must feel able to raise concerns with the school without any formality, either in person, by telephone or in writing. An individual may want a discussion about an issue to help decide whether he or she wishes to make a formal complaint. If they feel that their concern has not been resolved satisfactorily at this stage the matter may be addressed through the formal complaints procedure. Complainants will be advised, where appropriate, to exhaust informal procedures before considering a formal complaint.

## **1. Stage 1 - Formal Complaint**

### **1.1 Introduction**

- 1.1.1 It will be helpful for the Head Teacher (or member of staff designated to investigate) to use these guidelines to ensure a consistent approach to formal complaint handling in all schools.
- 1.1.2 The implementation of a complaints procedure in each school is the responsibility of the Head Teacher, including making decisions about their own involvement at the various stages. One of the reasons for having various 'stages' in a complaints procedure is to reassure complainants that more than one person can listen to their complaint if they remain unhappy with the schools initial response. Head Teachers have the opportunity of involving other staff to collect information as part of the complaints investigation. Those decisions will need to be made taking into consideration the severity of the complaint.

### **1.2 Procedures**

- 1.2.1 Complaints should ideally be in a written format. However, oral complaints face to face, e-mail, telephone or faxes will also be accepted, however, the person who receives oral details needs to ensure that there is a written record available for the investigating officer. The Head Teacher (or designated member of staff) will acknowledge the complaint in writing within five school working days of receiving the complaint. *(See Appendix A for standard acknowledgment letters).*

- 1.2.2 Schools should be sensitive to the needs of complainants who may have literacy difficulties or for whom English is not their first language. (See notes on interpreters and the hearing impaired Page 19).
- 1.2.3 The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This will normally be within 10 school working days; if this is unachievable for reasons such as staff sickness etc. a letter will be sent to the complainant explaining the reason for the delay and giving a revised timescale for completion.
- 1.2.4 It may be possible, even at this stage, to reach an agreed solution to the problem. The Mediation and Conciliation Service may be able to suggest a mediation format to discuss the complaint in private without invoking formal procedures. The aim here is to progress the matter for the good of the child, the complainant and the school. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved. The use of Mediation and Conciliation would be seen as an attempt to resolve the complaint informally and should not compromise the complainant's right to move to more formal procedures at any time.
- 1.2.5 It is essential that there is a formal record of the actions taken to investigate a complaint or to find an alternative remedy, eg mediation and conciliation. These records will need to be available for perusal by the School Governors Committee should the complaint be pursued at the next stage or with the LEA or DfES.
- 1.2.6 The Head Teacher will provide an opportunity for the complainant to meet him or her to discuss the complaint in more detail. It will be made clear to the complainant that if they wish, they may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf. Interpreting facilities should be provided as required. Equally, if staff are to be interviewed, they should be notified by the person investigating the complaint of their right to be advised or accompanied by their union representative.
- 1.2.7 Where appropriate, the Head Teacher will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed and in all circumstances a parent, carer or an approved adult must also be in attendance. The Head Teacher will keep written records of meetings, telephone conversations and other contacts.
- 1.2.8 Once all the relevant facts have been established, the Head Teacher will then produce a written response to the complainant and/or may wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the findings of the investigation and of any action taken to prevent a similar complaint from occurring again. Alternatively, the Head teacher may wish to telephone the complainant to explain their findings, if this is a more appropriate channel of communication.

- 1.2.9 Should the complainant remain unhappy following the response from the Head Teacher, they should be advised that they should appeal to the Chair of Governors, preferably in writing advising why they remain dissatisfied. At this stage the Chair may wish to investigate and respond or progress straight to stage two should the nature of the complaint suggest this is the best course of action.
- 1.2.10 The complainant will be advised in the response that should they wish to take the complaint further, they should notify the Clerk of the Governing Body within 10 school working days of receiving the response letter.

**PLEASE NOTE**

If the complaint involves the actions of the Head Teacher, arrangements should be made for the initial investigation to be conducted by the Governing body. The LEA would normally advise that two members of the Governing Body complete the investigation. *Please refer to Good Practice Guide for Complaints Investigators Appendix D.*

**2. Stage 2 - Appeal to the Governing Body****2.1 Introduction**

Complaints rarely reach this formal level but it is important that Governing Bodies are prepared to deal with them when necessary. It is important that the appeal process is independent and impartial. As such, the appeal should be dealt with by Governors who have had no prior knowledge or involvement in the case.

- 2.1.1 As this may be the last chance for a solution or compromise to be reached, every effort should be made to mediate and conciliate. Governors may particularly wish to seek advice from the Customer Relations Team at this stage if they have not previously made contact.

Individual complaints should **not** be considered by the full Governing Body but by an elected Governors Complaints Committee, comprising of 3 or 5 Governors not previously involved with the complaint.

- 2.1.2 Complaint appeals should normally be in a written format. In exceptional cases the school will consider progressing an oral complaint appeal where there are sufficient grounds to do so. In such instances full details documenting why the complainant remains dissatisfied should be recorded and passed to the Clerk of Governors.

- 2.1.3 People inevitably see many complaints as being 'against' a particular member of staff and/or their actions. However, all complaints, which reach this stage, will have done so because the complainant has not been satisfied by the

Head Teacher's or Governors response at the earlier stage. It is appropriate therefore for the Governors Complaints Committee to consider that the complaint is against the 'school' rather than against an individual member of staff.

- 2.1.4 Should the Complaints Committee need to interview a pupil it is essential that a parent, carer or approved adult be in attendance. Two governors should interview the child and a full written record of the interview should be retained.

## **2.2 Procedures**

- 2.2.1 Upon receipt of a written request from a complainant to proceed to Stage 2, the procedures outlined below will be followed:

- ❖ The Clerk of the Governing Body will write to the complainant to acknowledge receipt of the written request within five school working days. *(See Appendix A – Standard Acknowledgement Letter)*;
- ❖ The acknowledgement will inform the complainant that the Governors Complaints Committee, as appropriate, will investigate the complaint within twenty school working days of receiving the request;
- ❖ The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint and to attend the Complaints Committee meeting in person if they so choose;
- ❖ All documents must be received at least five school working days before the Committee meets and shared in advance with the three panel members;
- ❖ The Chair of Governors will convene a Committee elected from the members of the Governing Body. The Committee members will be Governors who have had no prior involvement with the complaint. Generally, it is not appropriate for the Head Teacher to have a place on the Committee. Governors will want to bear in mind the advantages of having a parent/carers (who is also a Governor) on the Governors Complaints Committee. Governors will also need to be sensitive to issues of race, gender, disability and religious affiliation. The make-up of the Committee should, where possible, reflect the three categories of LEA, parent/carers and Community Governors.

- 2.2.2 The Committee Chair will ensure that the Committee hears the complaint within 20 school working days of receiving the request. All relevant correspondence regarding the complaint will be given to each Governors Complaints Committee member as soon as the composition of the Committee is confirmed and at least five school working days before the hearing.

- 2.2.3 The Clerk will write and inform the Head Teacher and the complainant of the expected date of the hearing. This should be done at least five working days in advance.

- 2.2.4 The notification sent to the complainant should inform him/her of their right to be accompanied to the meeting by a friend, relative or advocate. This cannot be a solicitor acting in a legal capacity. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Committee, at least five school working days in advance of the meeting. The Head Teacher will be invited to attend the Governors Complaints Committee meeting to answer questions in relation to the investigation undertaken by the school.
- 2.2.5 The Head Teacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or at the discretion of the Chair to attend the meeting. All concerned, including the complainant, will receive any relevant documents including the Head Teacher's report, at least five school working days prior to the meeting.
- 2.2.6 It is the responsibility of the chair of the Committee to ensure that the meeting is properly minuted and a formal record of the recommendations retained.
- 2.2.7 The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has at least been taken seriously.
- 2.2.8 The Committee should remember that many complainants are not used to dealing with groups of people in formal situations and may feel inhibited when speaking to the Committee. It is, therefore, recommended the Chair of the Committee ensures that the proceedings are as informal as the situation allows.
- 2.2.9 **If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.**
- 2.2.10 At stage 2, the meeting should allow for:
- ❖ The complainant to explain their complaint(s);
  - ❖ The Head Teacher to explain the school's response;
  - ❖ The Governors Complaint Committee members to have an opportunity to question both the complainant and the Head Teacher;
  - ❖ Any party to have the right to call witnesses (subject to the approval of the Chair) and the Committee having the right to question all the witnesses;
  - ❖ Both the complainant and Head Teacher to have the right of representation/advocacy if they so wish;
  - ❖ Final statements by both the complainant and the Head Teacher.

- 2.2.11 The Chair of the Committee will explain to the complainant and the Head Teacher that the Committee will consider its decision and a written response will be sent to both parties within five school working days. The complainant, Head Teacher, other members of staff and witnesses will then leave.
- 2.2.12 The Committee will then consider the complaint and all the evidence presented and:
- ❖ Reach a unanimous, or majority decision on the complaint;
  - ❖ Decide upon the appropriate action to be taken to resolve the complaint;
  - ❖ Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 2.2.13 Recommendations will be reported to the Governing Body at an appropriate time.
- 2.2.14 A written statement outlining the decision of the Committee must be sent to the complainant and Head Teacher. If any action is to be taken against a member of staff to protect the rights of the staff concerned, only the phrase '**Appropriate action has been taken**' should be used.
- 2.2.15 The Governors will ensure that a copy of all correspondence and notes are kept on file in the Governor's records. Where pupils are involved these records should be kept separately from the pupil's personal records.
- 2.2.16 The LEA will receive a completed monitoring sheet at the end of six months documenting the number of complaints investigated at both Stage 1 and 2 and the outcome from each school. *(See Appendix C – Monitoring Form).*
- 2.2.17 If the complaint is against a Governor, governors not previously involved will investigate the complaint.

### **3. Stage 3 - Referral to the LEA**

#### **3.1 The LEA**

- 3.1.1 If the complainant remains dissatisfied with the way in which the Governing Body has carried out their investigation at Stage 2 of this procedure, they should be advised of further steps they can take. The Chair of Governors should provide them with the contact details for the Customer Relations Team (0121-569 8346).
- 3.1.2 The Customer Relations Team is also available to offer advice to Head Teachers or Governors on the Compliments and Complaints Procedure. The Customer Relations Team will refer the complainant's concerns to an LEA Officer who will investigate and satisfy him or herself that the school/Governing Body has carried out the correct procedures and that the

action taken to remedy the complaint is appropriate and fair. Ultimately the LEA officer needs to ensure that natural justice has prevailed.

- 3.1.3 A full report of the findings will be made available to the school, Governing Body and the complainant.

This stage should be completed within 15 working days.

#### **4. Referral to the Secretary of State**

Complaints can be taken to the Secretary of State for Education and Schools under Section 496 of the Education Act 1996, on the grounds that a Governing Body or LEA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LEA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LEA for more information in order to consider the complaint.

#### **5. Monitoring Compliments and Complaints**

It is important that all schools keep a record of both compliments and complaints dealt with at both Stage 1 and 2 of the Procedure. The information gathered can form the basis of a self evaluation process for all schools. Schools can monitor the number and type of compliments and complaints and use the information to influence internal improvements if necessary.

These figures will be collected from schools after six months and will be reported to the Senior Management Team for information and to help inform the Business Planning Process by identifying opportunities for school improvement.

The data gathered from schools will be compiled into a generic half-year and annual report, which will highlight trends. The report will include the total number of complaints and compliments, the number of complaints resolved at stage 1 and 2 and issues raised.

The monitoring forms in *Appendix C* set out the minimum standard for reporting.

#### **6. Complaints about a Contracted Out Service**

Any person who receives a service from a private organisation with whom we have a contract, has a right to register a complaint.

In the first instance, the complainant should be advised to take the issue up directly with the manager of the contracted out service where appropriate.

There may be occasions where it is sensible for the Head Teacher to deal with the complaint, discretion will need to be applied.

If the complainant remains dissatisfied with the response from the contractor then they have a right to pursue their complaint with the school who have a 'duty of care' and the school complaints procedure should be invoked.

The Head Teacher may need to involve the appropriate LEA Manager or seek independent advice if a decision is taken that may lead to the withdrawal of a contract.

A Document entitled – 'Guidance for Independent Sector Providers, Developing a Compliments and Complaints Procedure' is available from the Customer Relations Team.

### **What if a Complainant cannot speak English?**

Complainants can also complain in any of the main minority languages in writing, ie Bengali, Gurgarati, Hindi, Punjabi, and Urdu. If you receive a complaint written in a minority language, you may process it with the help of the Brasshouse Communications Centre in Birmingham or another independent translation service. Please bear in mind that the same targets will apply for resolving a complaint.

SILCS can assist in receiving complaints received verbally in any of the languages mentioned above. Their telephone number is 0121-525 5815. However, there is a charge.

### **What if the Customer has a Hearing or Speech Impairment?**

An officer at SILCS is trained in using sign language and can help in receiving complaints from people with a hearing impairment. The telephone number is 0121-525 5815, but please note that this officer is employed part-time only. You may wish to use a service such as type talk or a minicom. For further advice on ensuring that your complaints procedure is accessible to people with a hearing impairment, contact the Hearing Impaired Unit, Social Inclusion and Health, Dagger Lane, West Bromwich, telephone number 0121-525 5347.

### **Who can I ring for advice on Complaint Handling and this Procedure?**

The Education and Lifelong Learning Management Team have endorsed this procedure. Advice and guidance on complaint handling can be obtained from the Customer Relations Team.

*Contact details are presented in Appendix B.*

# **Appendix A**

# **Standard Letters**

## **Standard Complaint Acknowledgement Letter**

My ref:  
Your ref:  
Please ask for:  
Telephone No: 0121  
Fax No: 0121  
Date:

Dear Mr/Mrs

Regarding: **Acknowledgement of your Complaint**

Thank you for your complaint, which was received on.....concerning our school.

In the first instance, your complaint will be investigated by the Head Teacher or designated Senior Teacher in line with the School Complaints Procedure. If we require further information about your complaint we will contact you to discuss your concerns in more detail.

We will make every effort to respond to your complaint within 10 school working days from the receipt date.

If you would like to discuss the progress of your complaint, you will need to make an appointment to see the Head Teacher or make a telephone call. If the Head Teacher is not available all efforts will be made to return your call the following school working day.

I enclose a copy of the booklet 'Advice to Parents/Carers About Making a Compliment or Complaint. I hope that we will be able to resolve your complaint to your satisfaction however the booklet also contains information about your rights to appeal to the Governing Body, but I hope that course of action will not be necessary.

Yours sincerely

## **Standard Complaint Acknowledgement Letter Complaint About a Head Teacher**

My ref:  
Your ref:  
Please ask for:  
Telephone No: 0121  
Fax No: 0121  
Date:

Dear Mr/Mrs .....

Regarding: **Acknowledgement of your Complaint**

Thank you for your complaint, which was received on....concerning our school.

As your complaint concerns the actions of the Head Teacher the Chair of the Governing Body will be asked to investigate this matter. If we require further information about your complaint we will contact you to discuss your concerns in more detail.

We will make every effort to respond to your complaint within twenty school working days from the receipt date.

If you would like to discuss the progress of your complaint, please contact .....

I enclose a copy of the booklet 'Advice to Parents/Carers About Making a Compliment or Complaint which explains the School Complaints Procedure in more detail including your options for seeking redress if you remain dissatisfied with the outcome.

Yours sincerely

## Standard Complaint Acknowledgement Letter Complaint to Governing Body

My ref:  
Your ref:  
Please ask for:  
Telephone No: 0121  
Fax No: 0121  
Date:

Dear Mr/Mrs.....

Re: **Acknowledgement of your Appeal to the Governing Body**

Thank you for your letter confirming your dissatisfaction with the response provided addressing your complaint and therefore requesting an appeal.

A meeting of the Complaints Committee will therefore be convened, which will comprise of (three or five) members. We will contact you within the next ten days to confirm the date of the meeting and you will have an opportunity to attend in person. Alternatively you may wish to provide written information, which can be considered by the Committee in your absence.

We will make every effort to deal with your Appeal within 20 school working days, from the date of receipt of your letter.

If you would like to discuss the progress of your complaint you can contact the Chair of the Complaint Committee (name) in writing at the school.

Yours sincerely

# **Appendix B Useful Contact Addresses**

**Useful Contact Addresses**

<p>Customer Relations Unit Sandwell Metropolitan Borough Council Sandwell Council House PO Box 2374 OLDBURY B69 3DE Tel: 0121-569 3032</p>	<p>Department for Education and Skills Public Enquiry Unit 1B Castle View House East Lane RUNCORN Cheshire WA7 2GJ Tel: 0870-000 2288</p>
<p>Mediation and Conciliation MENCAP Chante Sayers West Bromwich Town Hall WEST BROMWICH B70 8DK Tel: 0121-569 8533</p>	<p>Angie Astley Customer Relations Manager Sandwell MBC Sandwell Council House, PO Box 2374 OLDBURY B69 3DE Tel: 0121 569 3170 e-mail <a href="mailto:angela_astley@sandwell.gov.uk">angela_astley@sandwell.gov.uk</a></p>
<p>Diocesan Board of Education (CE) 175 Harborne Park Road Harborne BIRMINGHAM B17 OBH Tel: 0121-426 0400 Fax: 0121-428 1114</p>	<p>Diocesan Board of Education (CE) St Mary's House The Close LICHFIELD WS13 7LD Tel: 01543-306040</p>
<p>Arch Diocese of Birmingham (C) Diocesan Schools Commission 61 Coventry Road, Coleshill BIRMINGHAM B46 3EA Tel: 01675-430230 Fax: 01675-430321 e-mail <a href="mailto:bdsc@bdsc.org.uk">bdsc@bdsc.org.uk</a> Website: <a href="http://www.bdsc.org.uk">www.bdsc.org.uk</a></p>	<p>Brasshouse Language Centre 50 Sheepcote Street BIRMINGHAM B16 8AJ Tele: 0121-303 1619</p>
<p>Sandwell Integrated Language Service West House Lombard Street West WEST BROMWICH Tel: 0121-525 5815</p>	<p>Sandwell MBC Counselling Service First Floor 323 High Street WEST BROMWICH B70 8LU Tel: 0121-580 2715</p>

**Appendix C  
Compliments and  
Complaints  
Monitoring Forms**

## Compliments Monitoring Form for use by Head Teacher

Name of School: \_\_\_\_\_

Period: \_\_\_\_\_

Date Received	Name of Person making the compliment	M/F	Ethnic Group	Details of Compliment	Category (see notes below)	Person/Service Complimented

**Notes:**

**Date of Compliment** is the day that a compliment was received in the school.

**Categories are:** Quality of teaching, School Environment, Member of Staff, events held at the School, Pupils.

## Complaints Monitoring Form For Use By Head Teacher – Stage 1 Complaints

Name of School: \_\_\_\_\_

Period: \_\_\_\_\_

Date	Name of Complainant	M/F	Ethnic Group	Disability Yes/No	Subject of Complaint	Category	Sent to:	Date reply due:	Date Reply made:	Timescale Met?	Result

**Notes:**

**Date of Complaint** is the day that a formal complaint is received in the school, not the date when the person who is going to respond receives it. **Categories are:** Non compliance with curriculum issues, failure to provide a satisfactory service, failure to follow school policies and procedures, the conduct of staff/governors **Sent to** the person who is going to deal with the complaint. Due date is the date by which the complaint needs to be replied to (ten school working days for a stage 1 complaint or 20 working days for a Stage 2 complaint). **Result** should be either Upheld, Not Upheld or Partially Upheld.

## Complaints Monitoring Form for use by Chair of Governors – Stage 2 - Complaints

Name of School: \_\_\_\_\_

Period: \_\_\_\_\_

Date	Name of complainant	M/F	Ethnic Group	Disability Yes/No	Subject of complaint	Category	Sent to:	Date reply due:	Date reply made:	Time scale met?	Result

**Notes:**

**Date of Complaint** is the day that a formal complaint is received in the school, not the date when the person who is going to respond receives it. **Categories are:** Non compliance with curriculum issues, failure to provide a satisfactory service, failure to follow school policies and procedures, the conduct of staff/governors. **Sent to** the person who is going to deal with the complaint. **Due date** is the date by which the complaint needs to be replied to (10 school working days for a stage 1 complaint or 20 school working days for a Stage 2 complaint). **Result** should be either, Upheld, Not Upheld or Partially Upheld.

**Appendix D  
Good Practice  
Advice for School  
Complaints  
Investigators**

## Good Practice Advice for Schools Complaints Investigators

### Introduction

Not all complaints investigated at the first stage of the Schools Complaints Procedure will require a lengthy in-depth investigation. The level of investigation required will obviously be dependent on the nature of the complaint.

However, there are a number of practical tips in this guide that should apply to all complaints investigations, for example the need to make contact with the complainant even if its only a telephone call and the need to provide a written explanation about the events leading up to the complaint.

Please use this guide as a basis for undertaking thorough investigations at the first stage of the Complaints Procedure, and help to resolve complaints at the earliest opportunity.

### Preparing to Investigate

#### *Evaluate and assess the complaint in detail*

- ❖ Review the complaint.
- ❖ Obtain relevant documents such as files, logbooks, and timesheets and insist on seeing originals and not copies for more complex investigations.
- ❖ Ascertain whether there are other procedures involved that you need to read in order to gain a better understanding of the issues.
- ❖ If the complaint is about a proposed action by the school, see if the action can be deferred whilst the complaint is investigated. This may not always be appropriate, a judgement will need to be made dependent upon the nature of the complaint.
- ❖ Consider whether the complaint might be resolved.
- ❖ Continually assess whether the complaints procedure is the most appropriate way of handling the complaint. Consider alternative possible procedures, for example implementation of the disciplinary procedure, mediation and conciliation service. Should the former occur the **disciplinary procedures always take precedent over any complaints investigation**, which should normally be suspended pending the outcome of the disciplinary hearing.

## **Formulate the Investigation**

### **Contact the Complainant to:**

- ❖ Confirm your understanding of the complaint. Time spent doing this will be time well spent even if it's only a phone call. Obviously some complaints can be resolved without making a visit but a telephone call will add value, and help to create a good impression.
- ❖ Always keep a record of any visit or telephone call.
- ❖ Be realistic and open with the complainant.
- ❖ Check whether the complainant has any special needs, eg poor sight, language difficulty, requires the support of an Advocate etc.
- ❖ Take the opportunity to explain the investigation procedure.
- ❖ Explore and agree desired outcomes, explore possible avenues to settlement.

### **Preparation for Investigation Interviews**

- ❖ Always try to put together a chronology of events as you understand them and give emphasis to:
  - identifying gaps, which seem important;
  - changes in the direction of the case (decisions made etc);
  - who the complainant believed to be important;
  - identifying the names of officers/members most directly involved;
  - in conflicts, who can represent the other side of the argument.
- ❖ Decide who you need to interview and arrange the interviews so that normally followed procedures and practices are established first from more senior officers and end with those officers most directly involved in the complaint.
- ❖ Ensure that all officers who need to be interviewed are given the opportunity to be accompanied by another person of their choice if they believe they need support. On occasions this may be a union representative or a member of a support group.

### **Plan and prepare each interview**

- ❖ What is it you need to know?
- ❖ Use open not leading questions.
- ❖ Do not express opinions in words or attitude.
- ❖ Formulate questions aimed at; resolving apparent contradictions, corroborating softer information, bringing out hidden factors (eg pressures that were on staff at the time), providing reasons, eg for communication failure, delay, failure of relationships etc.
- ❖ Always keep a record of each interview.

## **Conduct of Interviews**

Interviews should be conducted in an informal and relaxed manner where possible, but persist with questions if necessary, make notes of each answer given. Try to separate hearsay evidence from fact by asking the interviewees how they know a particular fact.

### ***Be aware of limitations of interviews - always remember that:***

- ❖ People discuss things with each other in preparation for the interview;
- ❖ Memory is notoriously unreliable;
- ❖ People tend to answer as they think they should rather than as it was;
- ❖ People are influenced by their own feelings of responsibility and/or guilt, however irrational;
- ❖ There are often competing alternative agendas (eg resources, relationships, loyalties, stresses etc).

### ***Consider the tone of interviews***

- ❖ Make sure you explain to the interviewee why they are being interviewed.
- ❖ Always ensure the interview is conducted in a confidential setting.
- ❖ Try to put the person at ease. Being interviewed especially as part of a complaint investigation can be very stressful.
- ❖ Use your interview plan for the main questions but allow time for unplanned off the cuff questions.
- ❖ Where appropriate reiterate the comments made by individuals to assure them you have listened to what they have to say and to check that you have heard it in the right context. Make sure it is clear when the interview is at an end.

## **The Response**

A response to a complaint should be provided within agreed timescales. In most cases, the response should be in the form of a letter or report. The response should:

- ❖ Set the context by reiterating the complaint as agreed with the complainant;
- ❖ Set out briefly but clearly, policy, procedures and good practice issues relevant to the complaint, supporting the text if necessary by appending more detailed documents for reference;
- ❖ Set out the chronology of factual events. Concentrate on clarity and use only those incidents, which are relevant to the complaint;
- ❖ Deal carefully with soft information attributing sources and any contradictions you have found.

- ❖ Set out your decisions clearly - make sure they:
  - address the complaint in full;
  - are based on evidence that you obtained during your investigation;
  - state clearly where a judgment has been arrived at by balancing the evidence;
  - identify faults in procedures, systems etc which should be rectified;
  - contain an apology where appropriate;
  - state what action is to be taken e.g. reimbursement of expenses, re-examination of the case, employee training, etc;
  - clearly identify the complainants options of redress in this instance the opportunity to appeal to the Governing Body.

It is essential that the person responsible for completing the first stage investigation ensures that the decisions and promises made as a result of the complaints investigation are implemented as soon as possible. Failure to do so will result in a second complaint, appeal to the Governing Body unnecessarily, and most importantly a lack of confidence in the complaints procedure itself.