

Worcestershire Children's Services
Guidance
on
School Non-Curriculum Complaints

Procedures

(A Model Policy for customisation by the school is collated separately)

July 2006

USEFUL CONTACTS

We expect that there will be occasions when headteacher and governor colleagues will find it useful to have support from colleagues in Children's Services. Clearly investigation into complaints and subsequent decisions are matters for a school. The role of the Children's Service is advisory only.

Children's Services and colleagues available for advice and guidance are:

Service	Role
Social Inclusion Service (Tel. 01905 766086)	1) To provide advice and guidance on complaints procedures 2) To investigate parental complaints at Stage 4 – use of process only.
Governor Services (Tel: 01299 873973/4/5)	To provide advice and guidance on complaints procedures to governors.
Parent Partnership Service (Tel: 01905 727944)	To provide advice and guidance to parents on the complaints procedures.
Children's Services Link Inspector	For advice and guidance on procedures only at Stage 3 (Governors Complaints Panel). Inspectors can be present at Panel meetings by invitation of the Chair of Governors/Chair of the Panel but must not be present during the decision-making part of the meeting, ie. must leave the meeting at the same time as the headteacher/parents. The Link Inspector will not be a member of the Governors' Panel.

We hope that the complaints procedures and this signposting of advice and support will be helpful to you.

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SCHOOL NON-CURRICULUM COMPLAINT PROCEDURES

GUIDANCE FOR HEADTEACHERS & GOVERNORS

(A Model Policy for customisation is collated separately)

1. Introduction (including formal adoption requirement)

1.1 From 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, (summarised in Annex A to these Guidelines), 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.**

1.2 The majority of Worcestershire schools should already have a complaints procedure in place, generally based on previous LA guidance or the Archdiocese of Birmingham Diocesan Schools Commission (for Roman Catholic Voluntary Aided Schools) models. It is appropriate that Worcestershire Children's Services now produces revised model procedures and model policy which are recommended for use in schools. The Diocese of Worcester (Church of England) supports the adoption of the Children's Services model procedures and model policy for use in Voluntary Aided Schools. Roman Catholic voluntary aided schools are free to adopt the model procedure/policy produced by the Archdiocese of Birmingham.

1.3 The previous advice on this was sent to County schools in February 2004. This revision builds on the experience of its use, and further consultation with the recognised professional associations. It offers more detail to assist Headteachers and Governors.

1.4 Governing Bodies will need to formally adopt these revised model procedures and model policy before they can be implemented and must record the adoption in their minutes.

If initiated, only the adopted Model, (customised to the school) should be circulated to complainants, the Guidance being retained for Governors' reference.

1.5. If the procedure needs to move as far as stage 3, (where a Governing body committee becomes involved), there are tight time limits. It is advised that a 'pool' of Governors, (five are recommended) be nominated at the first Governors Meeting of each school year. It may be found convenient, as a matter of policy, to identify the same Governors for this 'pool' as for one of the other panels Governors have to identify. However, members of this 'pool' should not include any Governor who sits on a Staff Disciplinary panel. The Chair should not be part of the pool, as s/he may have to act in a decision-making capacity in stage 2.

[If the third stage of the Procedure is initiated, the Chairman will select three from the 'pool' to serve on a Complaints Panel].

1.6 Worcestershire Children's Services is available to provide advice and support to Headteachers and Chairs of Governors on the use of complaints procedures:
Governor Services – 01299 873974.
Social Inclusion Manager – 01905 766086.

2. General Principles (including other legal obligations)

2.1 Schools recognise that parents and carers are important partners in providing a happy, safe environment in which children may learn. It is based on an equal partnership based on good communications between school staff and parents/carers.

2.2 Schools must make all parents/carers aware of how they can raise concerns using procedures that can easily be accessed by them all. **This legal requirement is placed upon the Governing Body.** These procedures could be included in-:

- the school prospectus
- the information given to new parents when their children join the school
- the home-school agreement
- home-school newsletter
- a specific complaints leaflet
- the school website

2.3 It is important that any concerns are addressed at the earliest opportunity. Schools and their staff need to know as soon as possible when parents/carers are concerned or worried, so that they can work together to resolve the matter. They will also need to be confident that the parents/carers will listen when they too have concerns. Complaints can be deemed as 'out of time' (see 2.12) if raised more than 3 months after the matter in question was known to the complainant. **Schools will need to ensure that reference is made to this in the school prospectus.** Consistency will be important and governors will need to be able to demonstrate that exceptional circumstances will be considered.

2.4 The complaints procedure is designed to ensure the process is consistent and fair to all parents/carers. **It is envisaged that the majority of concerns and complaints can be resolved informally.**

2.5 Confidentiality should be respected at all times although it may be necessary that some information will need to be shared to enable a thorough investigation to be carried out.

2.6 Complaints should be dealt with as quickly as possible and outcomes recorded at each stage. It is important to monitor the gender, ethnicity or disability of the complainant in order to address any equality issues.

2.7 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 carry out its own review to test whether there is any evidence to commence a formal investigation.

2.8 Staff and governors may require training to raise their awareness of procedures and to further develop their skills in dealing with people who wish to complain, e.g. mediation, restorative justice practices and reconciliation. Further information can be obtained from Parent Partnership Services (Tel 01905 727944) or Worcestershire County Council Website, www.worcestershire.gov.uk.

2.9 Complaints procedures **should not** be used for the following, as there are specific procedures that must be followed-:

complaints about the National Curriculum
collective worship
religious education
pupil admissions
pupil exclusion
special educational needs
child protection
employee grievances and disciplinary proceedings.

(In respect of complaints involving the above circumstances advice can be sought from the Local Authority Officer with specific responsibility for each area. In the case of Voluntary Aided Schools the Diocese Office would also offer advice.)

2.10 **Flowcharts**

In the *Model Policy* (Part 2), you will find a flowchart (Annex A1) to exemplify the recommended process. The next flowchart (Annex A2) describes an amended procedure for dealing with a complaint where the parent/carer perceives the behaviour they are complaining of to be racist.

2.11 **Time Limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible. The time limits specified within this document reflect this. However, these limits may on rare occasions be subject to exceptional circumstances and be exceeded as a result. In this situation new time limits must be set and the parent/carer sent details of these with an explanation for the delay.

2.12 **Out-of-Time Decision**

A complaint will usually be considered as 'out of time' if it is raised more than 3 months after the matter in question being known to the complainant. **Where this is the Governing Body's policy it must be clearly stated on the published information sources.**

2.13 Vexatious Complaints

If properly followed, the school complaints procedure will limit the number of complaints that become protracted. However, there may be occasions when despite all stages of the procedure being followed, the individual remains dissatisfied. If the individual tries to re-open the same issue, the Chair of Governors is able to send written information that the procedures have been exhausted and that the matter is now closed.

3. Procedure and guidance for dealing with a complaint where the parent/carer perceives the behaviour they are complaining of to be racist.

3.1 It is important to remember (See Worcestershire County Council's "Guidance for Schools: Racial Harassment") that the Stephen Lawrence Enquiry Report confirmed that schools need to have procedures in place for being alert to, and dealing with, racially motivated incidents. Colleagues will already know of the monitoring procedures in Worcestershire. These emphasise that Worcestershire County Council is committed to combating racism and acts of racial harassment and seeks to encourage a positive ethos that promotes racial justice and harmony.

3.2 We have in Worcestershire adapted the definition of a racial incident which is in line with the McPherson report:

"any incident in which it appears to the person reporting the incident and/or any other person that the incident involves an element of racial motivation".

"any incident which includes an allegation of racial motivation made by any person".

3.3 This means that any such incident must be investigated as potentially a racist incident. The following procedure is to be adopted when any complaint from a parent/carer has been made that such an incident has not been properly investigated and/or has not been investigated as a potentially racist incident. Consideration will need to be given to not only what the parent/carer says but also to their perceptions.

Amended Procedure relating to incidents perceived to be racist

3.3.1. The main complaints procedure in the Model confirms the process to be followed by Worcestershire Children's Services in regard to Community schools and by the Diocese and/or WES for VA Schools.

3.3.2. The general principles described in the main procedure for dealing with complaints apply also when dealing with complaints alleging racist behaviour.

3.3.3. If at Stage 1 (informal) of the attached complaints procedure the staff member believes that the parent/carer's complaint has a racist element, then s/he must alert the Headteacher immediately. If the complaint has been dealt with successfully, it must still be appropriately recorded with the knowledge of the Headteacher.

3.3.4. If the complaint moves to Stage 2 (formal) the Headteacher must contact the Social Inclusion Manager, at the LA to confirm that a formal complaint involving a racial element has been received by the school. The LA will be happy to advise the Headteacher on the complaint within the context of race equality. The Headteacher must also inform the Chair of Governors at this stage, and for a Voluntary-Aided school, the appropriate Diocesan officer. The Headteacher may contact the Worcestershire Race Equality Council (Tel: 01905 29283) for advice.

3.3.5 If the complaint moves to Stage 3 (formal), the Clerk to the Governors' must send a copy of the complaints form, received from the parent/carer to the Social Inclusion Manager and, for a Voluntary-Aided school, to the appropriate Diocesan officer, as soon as possible and before the Governors' Complaints Panel meets. The LA/Diocese will be happy to advise the Chair of the Panel on issues within the context of race equality. The Chair of the Panel may also contact the WREC for advice.

A copy of the letter to parents confirming the Panel's decision must be sent to the Social Inclusion Manager and to the Diocese, if appropriate.

3.3.6. If the complaint moves to Stage 4 (formal), in the case of a CE Voluntary-Aided school, Worcestershire Children's Services and the Diocese will jointly agree the appropriate process to be followed. This will be either a single or joint review of the procedures followed by the school.

4. Summary Roles and Responsibilities of the Governors

4.1 The Governing Body

- to adopt formally a school complaints policy;
- to make an 'out-of-time' decision
- to stipulate where the policy is to be published
- to nominate a pool of governors (5 minimum) from which a Complaints Panel (of 3) can be constituted;
- to monitor and review the effectiveness of the complaints procedures;
- to set a timetable for monitoring and reviewing arrangements;
- to make future recommendations on policy as a result of complaints;
- to ensure that these recommendations have been carried out.

4.2 The Chair of Governors

- to receive formal complaints from parents/carers requesting consideration of their complaint by the Governors' Complaints Panel;
- to verify prior stages exhausted before convening a Panel;
- to nominate a Panel of three from the available pool
- to inform the Clerk of the Panel to begin making arrangements for the hearing;
- to follow Stage 2 where the written complaint concerns the Headteacher.

4.3 The Governors' Complaints Panel

The role of the Clerk: (Ideally the Governors Clerk, but alternatively, a non-pool Governor could take this responsibility).

Panel hearings must be clerked. The Clerk is the contact point for the parent/carer and their role is specifically to advise Panel members of process issues only. The Clerk will be expected to:-

- Liaise with Chair of Governors in nomination of three Governors for a Panel.
- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties (school and parent/carer and 'friends' where appropriate) and that the venue and proceedings are accessible;
- collate any written material and send it to all of the parties present (including the Panel) in advance of the hearing;
- meet and welcome the parties as they arrive for the hearing;
- record the proceedings;
- advise Panel members of due process only;
- notify all parties of the Panel's decision.

The role of the Chair of the Panel:

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

- the conduct of the hearing is agreed in advance with the other two members (see Annex B to the Model on Conduct of the Hearing)
- the hearing is conducted in a non-adversarial manner;
- parents/carers with English as an additional language or who are hearing impaired have access to an interpreter;
- parents/carers and others who may not be used to speaking at such a meeting are put at ease;
- the Agenda for the hearing is explained at the outset;
- the remit of the Panel is explained to the parties and each party (if meeting jointly), has the opportunity of putting its case without undue interruption;
- the issues identified on the Complaint form are addressed;
- key findings of fact are made;
- 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 outcomes of the proceedings or any involvement in an earlier stage of the procedure;
- each party is given the opportunity to state its case and to ask questions;
- written material is seen in advance by all parties. No 'new' paperwork can be unexpectedly introduced.
- Any witnesses called are treated with courtesy, and not made to feel they are an opposing party;

Annex A to Guidance

Section 29 of the Education Act 2002 requires that:

The Governing Body of a maintained school (including a maintained nursery school) shall –

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

publicise the procedures so established

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.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local authority and is not a special school;