

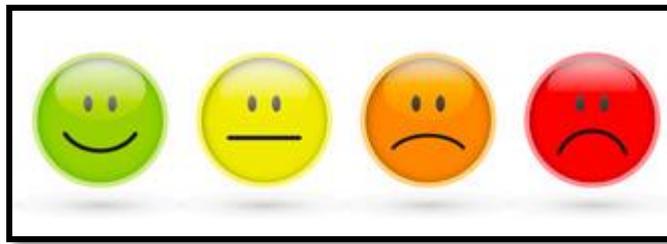
Landhead Primary School

Complaints Procedure



Landhead Primary School Board of Governors

Revised and updated: April 2017
Board of Governors approved: April 2017



COMPLAINTS PROCEDURE LANDHEAD PRIMARY SCHOOL

The difference between a concern and a complaint

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, Landhead's formal procedure should be invoked through the stages outlined within this procedure.

- A complaint may be made in person, by telephone, or in writing;
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;
- We will record the progress of the complaint and the final outcome. The Principal or complaints co-ordinator should be responsible for these records and hold them centrally.
- We are aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

Landhead Primary is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

1. SCOPE OF COMPLAINTS PROCEDURE

The Board of Governors together with the Principal set the direction and tone of the school in all that they do and are committed to working with parents in the best interests of their children's education. The purpose of the Complaints Procedure is to address complaints raised by parents/guardians.

- 1.1 The Procedure covers all matters relating to the actions of staff employed in the school and the application of school procedures, where they affect individual pupils.
- 1.2 Where it becomes evident at an early stage that a matter should be dealt with according to other established procedures or appeals mechanisms, this Complaints Procedure will be set aside in favour of other agreed procedure such as Child Protection, Special Education, Admissions, Suspensions and Expulsions, Grievance, Discipline, Bullying and Harassment. Advice may be sought from the Education Authority and/or the CSSC.
- 1.3 The school will not deal with anonymous complaints (except for those concerning child protection matters) and therefore these procedures do not provide for a resolution of anonymous complaints.

2. AIMS

2.1 In operating this Complaints Procedure we aim to:

- encourage resolution of problems by informal means wherever possible;
- allow swift handling of a complaint within established time-limits for action, keeping people informed of progress;
- ensure a full and fair consideration of the complaint;
- have due regard for the rights and responsibilities of all parties involved;
- respect confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary; and
- provide information to the school's Senior Management Team, Board of Governors and Education Authority, so that services can be improved.

2.2 The procedures are designed to be:

- easily accessible and publicised. A copy of the procedures is available on the school's website or on request from the school;
- simple to understand and use;
- impartial; and
- non-adversarial.

3. WHAT TO EXPECT UNDER THESE PROCEDURE

3.1 Your rights as a person making a complaint

In dealing with your complaint we will ensure that you receive:

- fair treatment;
- courtesy;
- a timely response;
- accurate advice;
- respect for your privacy – complaints will be treated as confidentially as possible allowing for the possibility that we may have to consult with other appropriate parties about your complaint; and
- reasons for our decisions.

Where the complaint is upheld we will acknowledge this and address the complaint you have raised. If, after consideration, it is judged there are no grounds for your complaint, you will be advised accordingly.

3.2 Your responsibilities as a person making a complaint

In making your complaint we would expect that you:

- raise issues in a timely manner;
- treat our staff with respect and courtesy;
- provide accurate and concise information in relation to the issues you raise; and
- use these procedures fully and engage in them at the appropriate levels.

3.3 Rights of parties involved during the consideration

The process is non-adversarial and does not provide a role for any other statutory or non-statutory body.

Person making the complaint

The complainant may be accompanied by another person where it is accepted, by the Principal and Board of Governors, that this will assist the consideration and resolution of the complaint.

Staff

Staff may seek the advice and support from their professional body or trade union and may also be accompanied by another person where it is accepted, by the Principal and Board of Governors, that this will assist the consideration and resolution of the complaint.

A member of staff who is directly referred to in a complaint will be provided with a written copy of the complaint and details of any information brought by the parent/carer before being required to respond to the matters raised.

Legal Representation

Legal representation or representation by person(s) acting in a professional capacity **is not** permitted within this procedure.

This procedure does not take away from the statutory rights of any of the participants.

3.4 Where the person making the complaint is a Governor

Where the person making the complaint is a member of the Board of Governors, that Governor will play no part in the management or appeal of the complaint as set out in this procedure.

4. WHO WILL DEAL WITH YOUR COMPLAINT?

4.1 At the informal stage your complaint should be raised and dealt with by the class teacher if appropriate, Key Stage Head or Principal.

4.2 If the complaint does not relate to a teacher in the school, but to a member of the nonteaching staff, it should be referred to the Principal.

4.3 If you proceed to the formal part of the process, the Principal will assume responsibility for the process, unless s/he is the subject of the complaint, in which case the Chairperson of the Board of Governors will assume responsibility. The Chairperson will make a decision as to whether it is appropriate for him/her to conduct a preliminary investigation or whether it is necessary to establish a Complaints Sub-Committee to consider and resolve the matter.

5. TIMESCALES

Every effort should be made by all parties to resolve complaints in a timely manner. The entire procedure, should a complaint proceed right to the Appeals Stage, should be dealt with in 40 working days of the complaint having been received, where possible.

This excludes complaints made during holiday periods due to the difficulties with receiving communication and meetings with the relevant parties. In this instance the complainant will receive a letter stating the time scale for the complaint being dealt with.

6. MAKING A COMPLAINT

6.1 Informal Stage: Step 1 – Speaking with the teacher concerned

In the first instance a complaint should normally be raised verbally with the teacher concerned (whether that be a classroom teacher, Head of Key Stage or Principal), so that s/he may have an opportunity to address the issue(s). **Please observe the school's existing protocols for arranging and conducting such meetings and follow the school's policy with respect to access to members of teaching staff.**

Parents should have an opportunity for informal discussion of any concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.

If the member of staff first contacted cannot deal with the matter immediately, s/he should make a firm arrangement to deal with it at a future date or refer the matter to another member of staff. In either case a note of the name, date and contact details of the complainant should be taken.

If the matter is referred, either because the person first contacted is not available or the matter is best dealt with by another member of staff, then the first contact should check later to make sure the referral has been successful.

In all cases, members of staff dealing with a complaint at this stage should make a note of the date, time, details and outcome and inform the principal.

The principal may decide to deal directly with a matter at this stage if this seems the most appropriate course of action.

If the complaint relates to the principal, the complainant should be advised to contact the Chairperson of the Board of Governors.

The staff member dealing with the complaint should make sure that the complainant is clear what will happen next (if anything). This should be put in writing only if it seems the best way of making the outcome clear.

If no satisfactory solution has been found within 10 days, the complainant should be asked if they wish their concern to be considered further. If so, they will be given clear information on how to proceed and any advice and support that may be available to them.

This approach would not prevent you from choosing to enter the formal process at a later stage, if you believe that to be an appropriate course of action.

6.2 Informal Stage: Step 2 – Contacting the Principal

If your complaint is against a member of the non-teaching staff or if your complaint remains unresolved following Step 1 you should arrange a meeting with the Principal to discuss the issue(s). In advance of this meeting you should inform the Principal in writing, of the nature of your complaint so that s/he may be in a position to resolve the problem without further delay.

In some circumstances the Principal may not be able to deal effectively with your complaint immediately and s/he may require some time to consider and prepare a response. If further time is required you will be informed of the timescale and the likely date by which a response will be issued.

6.3 Formal Stage: Step 3 – Making a formal written complaint to the Principal or Chairperson of the Board of Governors

Sometimes it will not be possible for you to have your complaint resolved through the informal processes proposed at Steps 1 and 2, or indeed it might be more appropriate to initiate the procedures at Step 3.

You should write to the Principal or the Chairperson and state the grounds for your complaint as concisely as possible addressing specifically the issue(s) that are of concern to you.

If your complaint is against the Principal you should write directly to the Chairperson.

Details of how to contact the Chairperson will be available from the school.

You will then receive a written acknowledgement of your letter from the Principal or Chairperson. This will confirm that your letter has been received, and either:

- Provide a response to the issue(s) you raised, or
- State who is considering your complaint and indicate when you can expect a response to be issued.

Parents who wish to pursue a complaint to the Formal Stage put the complaint in writing to the school. The principal (or designated member of staff) will acknowledge the complaint orally or in writing within 3 days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within 10 days. If it is not possible to deal with the matter in this time, the complainant will be informed of when it is likely to be concluded.

The principal (or designated member of staff) will provide an opportunity for the complainant to meet him/her. The complainant may, if s/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.

If necessary, the principal (or designated member of staff) will interview any witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil may also be interviewed, normally with the parent/guardian present. In some circumstances this may not be possible and a senior member of staff with whom the pupil feels comfortable will attend with him/her. If a member of staff is complained against, the needs of that person should be borne in mind.

The principal (or designated member of staff) will keep written records of meetings, telephone conversations and other documentation.

Once all the relevant facts have been established, the principal (or designated member of staff) will arrange a meeting with the complainant to discuss or resolve the matter. This meeting will be followed up with a letter setting out the outcome of the meeting. The complainant will be advised in this letter that if they wish to take the complaint further s/he should notify the Chairperson of the Board of Governors within 5 weeks of receiving the letter detailing the outcome of the complaint.

If the complaint is against the action of the principal, or the principal has been very closely involved at Stage One, the Chairperson of the Board of Governors should carry out all the Formal Stage procedures.

6.4 Formal Stage: Step 4 – Initial investigation of the written complaint by the Chairperson of the Board of Governors and/or Complaints Sub-Committee

Landhead may seek advice from the Education Authority.

It is important that the stage of review by the governing body is impartial and independent and is seen to be so. Complaints should not therefore be considered by the full governing body as potential conflicts of interest may arise. The governing body should therefore establish a sub-committee to deal with complaints. While the sub-committee should consist of at least 3 voting Governors in order to quorate it is recommended that they be nominated from a pool of 5. This should ensure that there are always sufficient Governors with no conflict of interest to constitute the sub-committee. It is important that individual Governors do not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual Governors are approached by parents or others with complaints, they should not enter into any discussion of the issue but refer the complainant to the school's complaints procedure, making the necessary introduction to a member of staff or principal if appropriate.

Formal Stage by the Board of Governors

The following procedure will be followed upon receipt of a written request from the complainant for the complaint to proceed to Board of Governor Stage.

The Chairperson of the sub-committee will write acknowledging receipt of the written request and informing the complainant that it will be heard by a subcommittee of the Board of Governors within 20 working days of receipt.

The letter will also inform the complainant that they have the right to (a) submit any further documents relevant to the complaint and that these must be received in time for circulation to the sub-committee (b) attend a meeting of the sub-committee to speak to their complaint and to provide Governors with an opportunity to seek clarification of the issues involved.

The Chairperson of the sub-committee should convene a meeting of the subcommittee. In establishing the sub-committee the Board of Governors should nominate its membership in accordance with the paragraph above. The subcommittee should elect its chair.

The committee members should have had no prior involvement with the complaint. In circumstances where the complaint relates to the principal he/she should not have a place on the sub-committee. Board of Governors should have regard to the advantages of having a mix of different type of Governor on the sub-committee and be sensitive to issues of equal opportunity in the composition of the sub-committee. The teacher representative should not be a member of the sub-committee.

All relevant correspondence and documentation should be given to each subcommittee member. The Chairperson should ensure that the complainant, any member/s of staff involved and any other witnesses are given 5 days notice in writing of the date, time and place of the hearing. Each individual invited to the meeting should meet separately with the sub-committee. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend/relative. The principal or a teacher who is the subject of a complaint should be advised of their right to be accompanied by a colleague or friend. Legal representation on behalf of any party involved should not be permitted. The Chairperson should ensure that interpretation facilities are offered and made available if required. The letter should set out the procedure for the conduct of the meeting (see annex B) and the complainants right to submit further related written evidence to the sub-committee.

The Chairperson should invite the principal to attend the hearing and prepare a written report for the committee in response to the complaint. The principal may also invite any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the committee. Any relevant documents should be received by all concerned (including the complainant) at least five days before the meeting of the committee.

A representative of the Education Authority may attend the meeting to advise the subcommittee.

The Chairperson of the sub-committee should ensure that the meeting is properly minuted. The aim of the meeting is to resolve the complaint and achieve reconciliation between school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action which will satisfy the complainant that their complaint has been taken seriously.

The Chairperson should try and ensure that the proceedings are as informal as possible and that the complainant feels at ease.

At the conclusion of each interview, the Chairperson should explain that the subcommittee will consider its decision and write to both parties with the outcome within 15 days.

Following the interview process and the withdrawal in turn of those concerned the sub-committee should consider its decision. This should include: a decision on the complaint; appropriate action to be taken by the school; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.

The school should ensure that a copy of all correspondence and notes is kept on file in the school. This should be separately from pupils' personal records.

If your complaint is to be dealt with by the Chairperson, he/she will make a decision as to whether it is appropriate for him/her to conduct a preliminary investigation or whether it is necessary to establish a Complaints Sub-Committee to consider and resolve the matter.

A Complaints Sub-Committee will consist of a minimum of 3 governors.

The sub-committee will acknowledge in writing your complaint. This will confirm that your complaint has been received, and:

- provide a response to the issue(s) you raised; or
- state that your complaint is being considered and indicate when you can expect a response to be issued. In some cases you may be required to meet the Complaints Sub-Committee and due notification will be given of such meetings. The Complaints Sub-Committee may also talk to the parties relevant to the complaint. You should expect a written response. This will indicate the findings of the Complaints Sub-Committee, the reasons supporting its decisions and any recommendations, if applicable. Any recommendations will be brought to the Board of Governors for ratification.

6.5 Formal Stage: Step 5 – Appeals Sub-Committee of the Board of Governors

If you are dissatisfied with the decision of the Board of Governors Complaints Sub-Committee you may write to the Chairperson appealing its decision. Your written request should be as concise as possible and set out specifically the grounds for your appeal.

The Chairperson will be responsible for establishing an Appeals Sub-Committee comprising of at least three members of the Board of Governors who were not involved in the consideration of the original complaint.

You will receive a written acknowledgement of your letter. This will confirm that your letter has been received and provide you with the date and time of the meeting with the Appeals Sub-Committee at which you will have an opportunity to explain the grounds for your appeal. The Appeals Sub-Committee will also review all information and correspondence from the original complaint and the consideration by the Complaints Sub-Committee.

You should expect a final written response. This will indicate the findings of the Appeals Sub-Committee, the reasons supporting its decisions and any recommendations, if applicable. Any recommendations will be brought to the Board of Governors for ratification.

The decision of the Appeals Sub-Committee is final. At the end of the process the Chairperson will inform you, in writing, that the Complaints Procedure has been exhausted and that the matter is considered closed.

THE ROLE OF THE EDUCATION AUTHORITY

When the Education Authority receives a general complaint which does not come under one of the areas covered by statutory requirements nor is obviously concerned with child protection or staff disciplinary matters the complainant will be referred to the school's complaints procedure. The complainant will be advised to contact the principal to take the matter further. If the complaint has already involved the principal but has not achieved a satisfactory resolution from the perspective of the complainant or if the complaint is against the principal, the complainant will be referred to the Chairperson of the Board of Governors. In this situation the principal will be notified of the referral and details of the complaint.

The Education Authority is always available to give advice to principals and schools on the use of complaints procedures. This should normally be through the Primary Officer, Schools Branch in the first instance.

The Board will provide advice and support to complaints sub-committees of Boards of Governors, including attendance of an officer at meetings to hear complaints, where appropriate.

The Education Authority will provide advice to complainants on how they can access complaints procedures and what support is available to them to do this.

7 RECORD KEEPING

The Principal and Chairperson of the Board of Governors shall maintain a record of all correspondence, conversations and meetings concerning your complaint. These records shall be held confidentially in the school and shall be kept apart from pupil records. All such records will be destroyed three years after the date of the last correspondence on the issue.

8 MALLICIOUS OR VEXATIOUS COMPLAINTS

Where a Board of Governors consider the actions of a parent/group of parents to constitute frivolous or vexatious behaviour, they will seek advice from the relevant Employing Authority in order to protect staff from further such actions.

From 1 April 2017 NIPSO will have the power to investigate complaints about publicly funded schools.

Once the internal complaints process has been completed, all schools in jurisdiction have a statutory obligation to inform complainants they can make a complaint to the Ombudsman. From **1 April 2017** schools are required to provide to a complainant a **written notice** which must state:

- the internal complaints process has been exhausted;
- that the complainant may refer the matter to the Ombudsman if he/she remains dissatisfied with the school's response;
- the time limit for making such a referral; and
- how to contact NIPSO.

The school **must** do this within **two weeks** of the day on which the internal complaints process is exhausted.

This will be worded along the lines of:

'You have now exhausted our internal complaints procedure. If you remain dissatisfied you may refer your complaint to the Northern Ireland Public Services Ombudsman. You must make your complaint to the Ombudsman within 6 months of the date of this letter. The NIPSO contact details are...'

The full text of the Public Services Ombudsman Act (Northern Ireland) 2016 can be accessed at www.legislation.gov.uk/nia/2016/4/enacted

Contact Details:

Northern Ireland Public Services Ombudsman

Progressive House

33 Wellington Place

BELFAST

BT1 6HN

Freepost: Freepost NIPSO

Telephone: 028 9023 3821 or Freephone: 0800 34 34 24

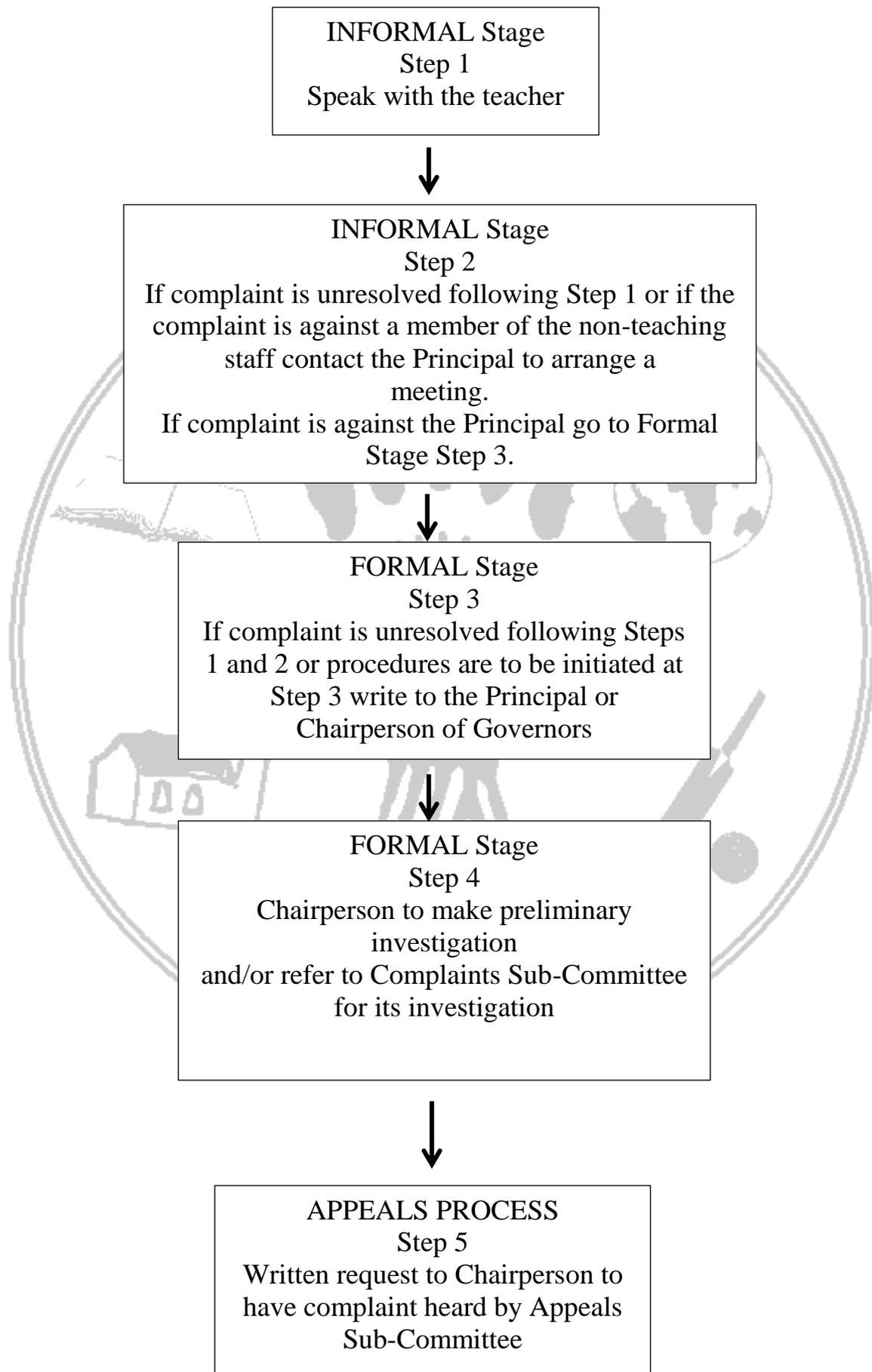
Text Phone: 028 9089 7789

Email: nipso@nipso.org.uk Website: www.nipso.org.uk

Date adopted by Board of Governors: 6th April 2017



PARENTAL COMPLAINTS PROCEDURE FLOW CHART



Landhead will take account of any further guidance issued by the Education Authority, Department of Education, the CSSC and the Ombudsman.

Guidance used in the creation of this procedure includes:

North Eastern Education and Library Board Model Complaints Procedure for Schools - April 2008

Information from the Public Services Ombudsman 31/03/2017



Annex A

GUIDANCE NOTES FOR PARENTS

If you have a concern or complaint

As a school, we welcome suggestions for reviewing and enhancing our support for your child. It would be appreciated if you have a concern that you tell us as soon as possible as it can be difficult to investigate an incident or problem which may have happened some time ago.

What to do first

Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher.

If you have a complaint which you feel should be considered by the Principal, you should contact him/her as soon as possible. It is usually best to discuss the problem face to face. To do this you may need an appointment which can be arranged by contacting the school office. The same arrangement applies if you wish to speak with a member of the teaching staff.

The Principal or member of staff will make every effort to resolve your problem speedily and efficiently. They will discuss what you feel went wrong, and they will explain what will be done to follow up your complaint. As well as helping to resolve the immediate difficulty it is hoped that speaking with you will help to prevent a similar problem arising again.

What to do next

If you have addressed your complaint to a teacher and are dissatisfied with the response you can make your concern known to the Principal.

If your complaint relates to the Principal, then it should be referred to the Chairperson of the Board of Governors. You can write to the Chairperson at the school address.

You may also find it helpful to have a copy of the school's Complaints Procedure as this explains in detail the procedure to be followed in the event of a complaint against the school. This document is available from the school office or on the website.

A full investigation will be conducted as soon as possible. As part of the investigation you or others may be asked for additional information following which you will receive a response to your complaint.

Annex B

Model Procedure for the Conduct of a Meeting to Hear a Complaint

1. The Chairperson of the sub-committee should invite each party concerned (the complainant and any member of staff as appropriate) to a separate interview, introducing and explaining the role of the sub-committee.
2. The Chairperson should explain that the purpose of the hearing is to review a complaint and try to resolve the complaint and achieve a reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The Chairperson should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:
 - (i) the complainant will be given the opportunity to present the complaint directly to the sub-committee and to include any additional information relevant to the complaint;
 - (ii) the sub-committee (including the Board Officer) may seek clarification from the complainant before they withdraw from the meeting;
 - (iii) any member of staff involved will be given the opportunity to present a response to the complaint directly to the sub-committee and to include any additional information relevant to the complaint;
 - (iv) the sub-committee (including the Board officer) may seek clarification from the member of staff before they withdraw from the meeting;
 - (v) Following the interview process the sub-committee will give full consideration to the issues raised with the Board officer remaining to offer technical and procedural advice.
4. The sub-committee should make a decision on: the complaint; appropriate action to be taken by the school; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
5. The decision will be confirmed to all those involved in writing within 5 days.