

Schools Complaints Policy & Procedure

Approved by: Schools Human Resources

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1. Introduction

From 1 September 2003, Governing Bodies of all maintained schools and nursery schools in England are required, under Section 29 of the Education Act 2002, to have a procedure in place 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.

The majority of schools already have a complaints procedure in place, based on Local Authority (LA) or Diocesan Board models. This document has been produced after consultation with trade unions by the LA and is therefore recommended to Governing Bodies as a model document. It is anticipated that this document will be considered by the governing body, who will then decide whether they wish to adopt the model complaints procedure. The decision on whether or not to adopt this procedure must be recorded by the clerk.

2. Policy

2.1 Aim

The schools Governors and the Headteacher are committed to providing the best educational experience they can for all pupils attending this school. They recognise the value to all concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a pupil or parent or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document.

2.2 Purpose

To establish a procedure for dealing with complaints relating to schools and community services as required by section 29(1) (a) of the Education Act 2002

2.2.1 The Education Act 2002

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.

Section 39 of the Education Act 2002 provides the following:

1. “maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;
2. “maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;

2.2.2 Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. It is up to the Governing Body to decide how to fulfil this requirement but details of the Complaints Procedures may be included in:

- the school prospectus;
- the Governors’ report to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance
- The School’s website

3. Scope

The Complaints Policy applies to all matters relating to actions of staff and application of school procedures where they affect the individual **pupils** concerned, except matters relating to;

- admissions to schools
- exclusions
- special education provision
- school re-organisation
- matters concerning the curriculum under Section 19 and 23 of the Education Reform Act 1988
- child protection
- public examinations
- school records on individual pupils
- Safeguarding referrals
 - Schools have a duty to safeguard and promote the welfare of their pupils under section 75 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually the Local Authorities children’s’ Social Care services if there is a concern about the welfare of a child.

- Allegations of Abuse
 - Allegations of abuse against a member of staff will be dealt with under the School's Safeguarding and Disciplinary procedures.

3.1 General Principles

The procedure is designed to ensure that wherever possible, an informal resolution is attempted. All stages of the complaints procedure should be investigatory rather than adversarial

To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any complaint which is raised more than 3 months after the event will not be considered except in exceptional circumstances.

All complaints will be treated as confidential. Only those individuals concerned with investigating the complaint will have access to the file. No information regarding the investigation will be made available publicly unless required by law.

3.2 Definition of a complaint

A complaint is a clear expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the school (but not being employed at the school or on the governing body) about the standard of teaching, the conduct, actions, or lack of action, of members of the teaching or non teaching staff employed at the school and anybody else working under the direction of the Headteacher, which affects an individual or group. Complaints about persons outside of the school will initially be dealt with by the Headteacher as site manager and be referred to the appropriate authority.

3.2.1 Anonymous complaints

There is no duty for Headteachers or Governors to pursue anonymous complaints because there is no named complainant to respond to. However, if such complaints allege or imply a serious matter that may be to the detriment of the school, then it will be at the Headteacher's discretion to consider whether a case needs further investigation or not. Further investigation may be carried out in exceptional circumstances such as child protection issues or bullying allegations, where the school would involve appropriate external agencies.

3.2.2 Vexatious Complaints

There will be occasions when, on proper investigation a complaint is deemed to be unfounded, malicious or vexatious or when despite all stages of the procedure having been followed the complainant remains dissatisfied and wishes to reopen the same issue. In these circumstances the Chair of the Governing Body will inform the complainant in writing that the procedure has been exhausted and that the matter is closed.

3.3 Managing and Recording Complaints

3.3.1 Recording Complaints

Schools should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing (including email). At the end of a meeting or telephone call, the member of staff should ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

3.3.2 Governing Body Review

The Governing Body should monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be used to evaluate the school's performance.

4. Procedure

4.1 Stage 1 – Informal Stage

Complaints are best resolved by approaching the individual directly. A local resolution is generally much quicker and less formal.

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved during an informal meeting by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. If the complainant is reluctant to do this, then a conciliation meeting with the Headteacher or their nominee will be arranged within 15 working days.

Note: Where the complaint concerns the Headteacher or a Governor and cannot be satisfactorily resolved by the Headteacher/Governor, then a written complaint must be passed to the Chair of Governors to be dealt with as in stage 3 below. In these cases the Chair of Governors is advised to seek advice from the Head of Schools Human Resources or his/her representative.

Where an incident has resulted in personal injury the Headteacher must inform the Chair of Governors and the Executive Director of Children and Young People's Services through the normal procedures with particular reference to the child protection procedures if applicable. Where a complaint involves injury to a child, either by a member of staff or another child, the Headteacher, when investigating, must be careful about taking statements which could undermine any investigation by the police or social services. It is advisable in these circumstances to be guided by the School's Human Resources Manager and the Safeguarding Manager.

4.2 Stage 2 – Formal Stage

Complaints dealt with by the Headteacher

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Headteacher. The complaint should include details that might assist the investigation, such as names of potential witnesses, where they might be contacted, the subject of the complaint, his/her name and position (if known), what happened, i.e. the incidents with an account confined to the facts, dates, time and location of the incident, copies of relevant documents and any other relevant information.

The Headteacher will decide whether to delegate the investigation of the complaint to another member of the leadership team or Governor or whether to undertake the investigation him/herself.

The Headteacher will ensure that a written acknowledgement is sent to the complainant within 3 working days of receiving the complaint and will give a target date for providing a response, which should normally be within 15 working days. If this target is not met a letter should be sent within the 15 working days explaining the reason for the delay and providing a revised target response date.

A copy of the School's complaints procedure should be enclosed with the letter.

The person who is complained against should be informed and provided with the relevant details of the complaint so that he/she can answer the allegations and be made aware that an investigation is taking place. He/she should be invited to submit a written response; this should normally be within 7 working days.

The Headteacher will collect such other evidence, as he/she deems necessary. This may involve the Headteacher meeting with and interviewing the complainant, the subject of the complaint and any other witnesses to clarify the complaint. Where this involves an interview with a member of staff, who is the subject of the complaint, a work colleague or trade union representative may accompany that member of staff if they wish and that member of staff is entitled to 2 days notice of the interview.

The Headteacher should obtain witness statements from all witnesses to be interviewed.

The Headteacher may wish to seek the advice or assistance of the school's Human Resources Manager at this stage.

When the investigation has been concluded all parties will be informed in writing of the outcome. This will include an outline of the complaint, the main findings of the investigation and the decision reached and where appropriate, what action the school is proposing to take to resolve the complaint. The response should also inform the complainant that should they remain dissatisfied, they would have a right for their complaint to be reviewed by the Governing Body.

4.3 Stage 3 – Formal Stage

Complaints referred to the Chair of Governors and Governing Body

Where the complainant is dissatisfied with the outcome of the school's responses and wishes to pursue the complaint further, a written request stating this must be sent within 10 working days of receiving the response to the Chair of Governors for the complaint to be reviewed by the governing body.

Any such request must include a statement specifying any perceived failings in either procedure or decisions made. A request for a review that is based solely on dissatisfaction of the response/outcome decision will not normally be accepted.

An acknowledgement should be sent within 5 working days of receiving the request and should inform the complainant that a panel of three Governors (not including the Headteacher or school staff Governors) would be set up to review the complaint within 20 working days from the date of the acknowledgement.

The Chair of Governors will write and inform all appropriate parties of the date, time and place of the review meeting at least 5 working days in advance of it. Any relevant documentation relating to the complaint should also be issued to all parties at this time.

Complaints concerning Headteacher/ Governor - referred to the Chair

Where the complaint concerns a Headteacher or a Governor (including the Chair of Governors) and has been directly addressed to the Chair of Governors, the matter should be referred to the Headteacher/Governor and a written response invited. The Chair or Headteacher will then respond to the complainant who if they are still dissatisfied can request that a panel of Governors review the complaint.

At this stage the complainant may also request that the Chair of Governors arranges a conciliation meeting with the Headteacher/ Governor.

4.3.1 Review Process

The Review Process will be carried out by a panel of 3 members of the Governing Body. The panel will hear the complaint at a meeting attended **separately** by the

complainant and the Headteacher. Written evidence is submitted in advance to all parties and verbal evidence will be given at the review meeting.

The meeting will be conducted in an informal manner with each party treating the other with respect and courtesy. The conduct of the meeting is as follows:

Part 1

1. The complainant and any representative will enter the room.
2. The Chair of the panel will welcome the complainant, introduce the members of the panel, explain the process of the hearing and confirm the complaint that is to be heard.
3. The Chair of the panel will confirm that all parties have copies of the documentation submitted by the complainant and the Headteacher, as well as the names of any witnesses the complainant has indicated s/he wishes to call.
4. The panel will hear the complaint
5. The panel will have the opportunity of asking the complainant questions regarding the complaint
6. The complainant will call any witnesses
7. After the witness(es) have given their statements the panel may then ask any questions of the witness(es) regarding their statements
8. The complainant or their representative will then have the opportunity of summing up their complaint.
9. The Chair of the panel will explain that the panel will consider the issues and a written decision will be sent in writing within 10 working days.
10. The complainant and any representative will then withdraw.

Part 2

1. The Headteacher and any representative will enter the room
2. The Chair of the panel will introduce the members of the panel, explain the process of the hearing and confirm the complaint that is to be heard.
3. The Chair of the panel will confirm that all parties have copies of the documentation submitted by the complainant(s) and the Headteacher, and the names of any witnesses that the Headteacher has indicated s/he wishes to call.
4. The Headteacher will respond to the complaint
5. The panel will then have the opportunity of asking the Headteacher any questions regarding her/his response.
6. The Headteacher will call any witnesses
7. After the witnesses have given their statements the panel may then ask any questions of the witness(es) regarding their statements

8. The Headteacher or his/her representative will then have the opportunity of summing up their response
9. The Chair of the panel will explain that the panel's conclusion will be sent, in writing, within 10 working days.
10. The Headteacher and her/his representative will then withdraw.

The Complaints Panel will then consider the complaint and all the evidence presented and:

- a) reach a decision on the complaint and the reasons for it
- b) decide upon the appropriate action to be taken to resolve the complaint. (There may be instances where this involves recommending the use of the disciplinary or capability procedures)
- c) where appropriate, suggest recommended changes to the school's systems or procedures to try to ensure that complaints of a similar nature are not made in the future and
- d) provide a written response within 5 working days.

Further Stages

Following the Governors' complaints hearing at stage three, it is open to the complainant to pursue their complaint with the Secretary of State for Education or the office of the Ombudsman. The governing body will give full consideration to any recommendations or directions the Secretary of State may make. The complainant will be advised of this course of action should they remain dissatisfied with a decision made by the Governors' committee.

Reviewed by Chair's Action – January 2016