

# Complaints Procedure



## September 2019

### Introduction

The intention of this procedure is to provide schools with a clear and transparent process that will enable all complaints to be dealt with as quickly and efficiently as possible. The length of time that this takes will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, all complaints should be settled within a period which is reasonable in the circumstances. We aim to give you a response within 10 working days.

### Scope of the Procedure

This procedure covers all complaints against the school by external persons/parties which do not have an alternative statutory avenue of appeal or complaint, i.e. admissions, exclusions, delivery of National Curriculum, some safeguarding children issues, provision of collective worship and religious education and SEN assessments. Where complaints make allegations of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure.

Employees of the school cannot use this procedure but, where necessary, should raise concerns via the appropriate staffing procedure, full details of which are available from the school.

### General Principles

All complaints should be dealt with in a transparent way and as quickly as is reasonably practicable. Complainants should be kept informed during the investigation of their complaint and of the outcome, except where this is confidential. Every effort should be made to resolve complaints in a non-confrontational and informal way.

Where the timescales within this procedure cannot be adhered to, the complainant should be informed as to why this is the case, and given a revised timescale for dealing with the complaint. This should be done within the specified timescale.

Governing Bodies should ensure that they have appropriate arrangements for recording complaints and the way in which they are resolved. Further, that they will regularly (at least once per school year), monitor the nature and level of complaints, so as to best ensure the effectiveness of the procedure, and consider any underlying issues the school may need to address, including whether specific actions identified by governors' appeal panels have been addressed.

Advice on the operation of the procedure is available from the manager of the School Governance Service, who may also seek the advice and/or involvement of other Local Authority (LA) officers as appropriate. In exceptional cases a LA officer

may agree to a request to attend a formal complaint hearing to advise the governors. Such requests should be made via the School Governance Service. In Voluntary Aided schools, where necessary and appropriate, advice may also be sought from the appropriate Diocesan Officer; in these circumstances the LA and Diocesan Officers would seek to collaborate over the resolution of the complaint. The role of the Diocesan Officer will be particularly important in any complaint which relates to the faith aspect of the school or to the delivery of Religious Education.

### **Resolving Complaints**

At each stage in the procedure schools will want to consider the ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

### **Vexatious Complaints**

On very rare occasions complaints are made that are vexatious, in that an individual persists unreasonably with his/her complaints, or makes complaints in order to make difficulties for the school rather than genuinely to resolve a concern. This may involve making serial complaints about different matters, or continuing to raise the same or similar matters repeatedly. The frequency of contact with the school in such situations may hinder the consideration of the complaint and impede the ability of the headteacher and school to meet the needs of all pupils equitably.

Where the Headteacher, and/or Chair of Governors, judges this to be the case s/he should seek advice from the manager of the school governance service in the first instance. Action taken may include restricting the contact between the complainant and the school.

Where a complainant seeks to reopen a matter the same as, or similar to, a matter previously considered under the procedure the Chair of Governors has the right to inform him/her that the procedure has been exhausted and the matter is closed.

### **Stages of the Procedure**

Many concerns and minor complaints can be resolved quickly and informally. There are many occasions where issues are resolved immediately through the class

teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort should be made by the school to have a full discussion with the complainant before moving into the stages of this procedure.

### **Informal Stage**

If the concern/complaint is not resolved through such discussion, the complainant should contact the Headteacher. The complaint should be made in writing by the complainant, or by another person on their behalf, with their consent (by letter or email).

The Headteacher, or other member of staff nominated by him/her, should meet with the complainant to discuss his/her concerns within ten working days of receiving the complaint. Where necessary the Headteacher, or other nominated member of staff, should carry out a full investigation into the issues raised. The Headteacher will give a written response to the complainant as soon as possible but, in any case, within ten working days of this meeting. Where the complainant is dissatisfied with this response, the complaint should move to the first formal stage of the procedure.

Where the complaint is against the Headteacher the informal stage should be conducted by the Chair of Governors. If the complaint progresses to the formal stage this will be conducted by the Vice Chair or other nominated governor.

Where the complaint is against the Chair of Governors the informal stage should be conducted by the Vice Chair of Governors, or another governor nominated by him/her. If the complaint progresses to the formal stage this will be conducted by another nominated governor.

### **Formal Stage**

If the complaint cannot satisfactorily be resolved informally, the complainant should put their complaint in writing to the Chair of Governors (or Vice Chair/nominated governor where the complaint is against the Headteacher/Chair of Governors), which may be by letter or email, via the school. The Chair/Vice Chair/nominated governor should meet with the complainant to discuss his/her concerns within ten working days of receiving the complaint, or as soon as is reasonably practicable after this.

The Chair/Vice Chair/nominated governor will review the investigation and Headteacher's decision and may confirm this decision or reach a different decision. The Chair/Vice Chair/nominated governor may take advice initially from the manager of the School Governance Service, who may consult other LA officers, and also from Diocesan Officers where appropriate.

The Chair/Vice Chair will communicate his/her response in writing to the complainant as soon as possible but, in any case, within ten working days of receiving the written complaint.

Where the complainant is dissatisfied with this response the complaint should move to the appeal stage of the procedure.

### **Appeal Stage**

If the complainant wishes to appeal against the decision made at the formal stage s/he must indicate his/her intention to do so within ten working days of receipt of the outcome of the formal stage.

The complainant should do this by sending a written appeal to the Chair of Governors, either by letter or email, or, where the complaint is against the Chair, to the Vice-Chair or other nominated governor. This should state the original complaint and the reasons for on-going dissatisfaction. The Chair of Governors, or nominated governor, may decline to accept a complaint into the Appeal Stage where s/he, acting reasonably, believes that the complaint has been wholly upheld at the Formal Stage and in all the circumstances there is no merit in the matter proceeding further.

A governors' panel should be convened, consisting of three governors who have had no previous involvement in consideration of the complaint. Where the complainant is a parent, governors may wish to consider the possible advantages of this panel including a parent governor. A complaints appeal meeting will be held in accordance with the procedure attached as Appendix A.

The meeting of the governors' panel should take place as soon as possible, but in any case a date should be set and communicated to the complainant within twenty working days of receipt of the appeal. The governors' decision should be communicated in writing to the complainant as soon as possible but, in any case, within five working days of the meeting. The complainant will have no further right to appeal this decision.

### **Opportunities to Request a Review**

#### Review by the Local Authority

Where the complainant can provide written grounds that demonstrate that the Governing Body may have acted unreasonably or failed to follow this procedure, s/he may request that the situation be reviewed by the Director of Children's Services or his/her nominee. This will be an officer of the LA, except in the case of Voluntary Aided Schools where the review may be conducted by a Diocesan Officer, as agreed with the Diocese.

It is anticipated that the LA/Diocese would intervene only in very rare cases where the reviewing officer believed that the Governing Body may have acted procedurally incorrectly or arrived at an outcome which appeared, in all the circumstances, to be unreasonable.

#### Complaining to the Secretary of State

If a complainant believes that the Governing Body has acted unreasonably s/he can complain in writing to the Secretary of State for Education. Complaints to the Secretary of State are handled by the government's Department of Education.

### Complaining to Ofsted

Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school.

Before complaining to the Local Authority, the Secretary of State or Ofsted, it would usually be expected that all stages of this procedure had been exhausted.

## APPENDIX A

### Conduct of Complaints Appeal Meetings

1. Although this procedure may appear formal, the hearing should be conducted in as informal a way as possible, and the Chair of the panel should make every effort to make all parties feel comfortable.
2. The date of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting.
3. The meeting should be minuted.
4. The meeting will be attended by:
  - the complainant, with a companion if desired;
  - the Headteacher and/or Chair of Governors, as appropriate;
  - the members of the Governors' Complaints Panel;
  - a minute taker, appointed by the governors;
  - an LA Officer to advise the Governors' Panel, where this has been requested and agreed to under paragraph 3 of the procedure.
  - Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the governors.
5. The governors will select a Chair from amongst their number.
6. The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
7. The complainant (or his/her companion) will outline his/her complaint and explain why s/he is dissatisfied with the school's response to date. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
8. The Headteacher and the governors will have the opportunity to ask questions of the complainant.
9. The Headteacher and/or the Chair of Governors will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Headteacher and/or Chair of Governors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
10. The complainant and the governors will have the opportunity to ask questions of the Headteacher and/or Chair of Governors.
11. The governors may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.
12. Both parties will leave the meeting and the governors will consider the information that has been put to them.
13. The governors' panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a

complaint against a governor or a member of the school staff. Normally the governors will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.

14. The governors will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The governors' response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which governors arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales.