

5.2 Complaints Policy

1. KEY PRINCIPLES

1.1 Introduction

From 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 in place a procedure to deal with complaints. Advice from the DfE confirms that their guidance is appropriate for Academies.

This policy has been developed after consulting:

- DfE School Complaints Procedure Guidance;
- The best practice of other local authorities and schools/academies

Section 1 of this policy defines the key principles of its operation. Section 2 of this policy sets out the separate stages of the complaints procedure itself. Annex 1 summarises the key roles and responsibilities of the Complaints Committee, and Annex 2 is the proforma for use at stage 3 of the procedure (formal complaint).

This policy does not apply to issues concerning

- Complaints about the curriculum
- Collective worship
- Religious education
- Non-approved external qualifications or syllabuses
- Pupil admissions
- Pupil exclusions
- Special education needs

Issues related to child protection, criminal investigations and employee grievances must be handled separately from this policy. Any complaint against a member of staff indicated a concern of a child protection nature will be dealt with in accordance with the guidelines of the Herefordshire Safeguarding Board.

This complaints policy is distinct from formal staff disciplinary proceedings. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant will be informed in writing. Any non-disciplinary aspect of the complaint will be dealt with through this complaints process.

This policy may be used by a parent or carer who has a concern or complaint about an aspect of the school's provision in relation to their child whilst on roll at the school.

The school will give careful consideration to all concerns and complaints and deal with them fairly and honestly in accordance with this policy.

1.2 Aims of the Policy

This complaints policy aims to:

- Encourage the resolution of problems by informal means where possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective response and appropriate redress; and
- Maintain good working relationships between all people and bodies involved in the complaints process.

1.3 **Monitoring complaints**

At the formal stages of the complaints procedure, the following information will be recorded:

By the complainant:

- The name of the complainant;
- The date and time at which the complaint was made;
- The details of the complaint;
- The desired outcome for the complainant;
- The complainant's view of action already taken by the school;

By the school:

- Any action already taken;
- Results and conclusions of investigations

By the Complaints Committee:

- Their decision;
- The rationale behind that decision;
- Their recommendations for resolution and future actions to be taken by the School.

1.4 **Upholding or not upholding complaints**

At each stage of the complaints procedure, the conclusion will be either:

1) That the complaint is upheld (in part or in full) and, where appropriate some form of action is taken.
Or

2) That the complaint is not upheld and (a) reason(s) for this is/are clearly given.

In the event that a complaint is upheld, 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;

An admission that the school could have handled the situation better is not to be regarded as an admission of negligence or any form of liability.

In the event that a complaint is not upheld, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

1.5 **Confidentiality**

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff and Governors on a 'need to know' basis.

1.6 **Equal access, accompaniment and representation**

Appropriate steps will be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

1.7 Time between stages

Although each of the stages within the procedure will occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further.

After each stage, the complainant and the individual or committee who is dealing with their complaint at that time will use all reasonable endeavours to agree an appropriate time limit within which the next stage will commence, if at all. If the complaint is not submitted to the next stage within this agreed time limit it will be considered as closed. If agreement regarding timescales cannot be reached between the parties the matter will be referred to the Chair of Governors for mediation. The Chair of Governors will receive written representations from both parties and will make his or her determination based on those submissions. His or her determination shall (save in case of fraud or manifest error) be final and binding on the parties.

1.8 Changes to time limits and deadlines

In general, the time limits and deadlines contained within this policy will be adhered to. However, in certain circumstances it may be deemed inappropriate or impossible to achieve this.

Where a complaint leads to criminal proceedings time limits may inevitably be exceeded.

If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant will be told and given a written explanation as to why this has been the case.

1.9 Appeals

If at any stage, as the result of a complaint, a decision or course of action is taken with regard to an employee of the school which that person feels is ungrounded, unjustified or incorrect he or she shall have the right to appeal.

The Governing Body will use its established appeal procedures in order to facilitate this.

1.10 Vexatious and Similar Complaints

The Chair of Governors can write to a complainant and refuse to consider their complaint at stage 3 if he or she (acting reasonably) feels that there are insufficient grounds to do so, if the complaint has already been considered at this stage, if it has been closed or is vexatious in nature.

COMPLAINTS PROCEDURE

2. STAGE 1: Informal discussion

2.1 Introduction

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as a complaints and only be at the level of concern.

When a complaint is made directly against the Headteacher, stage 2 is not required and the formal procedure begins at Stage 3.

2.2 Who to speak to informally

A parent/carer may decide to raise their concern with a member of school support staff, Tutor, member of the Senior Leadership Team or Headteacher depending on their wishes and the type of issues they want to discuss.

2.3 Monitoring

It is not necessary to record or monitor complaints at this level

2.4 Time scales

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues will be considered and dealt with as quickly and effectively as possible.

2.5 Response

The parent/carer who raised the issue will be informed of any action to be taken to resolve the issue. If appropriate, this may be confirmed in writing.

2.6 Options for complainant

If the parent/carer is dissatisfied with the response they have been given the school can attempt further resolution. However, if the parent/carer would like to take their complaint further, they will be referred to the school's complaints procedure and told how to move on to the next stage.

In these circumstances a brief written report by the member of staff who has dealt with the issue is to be submitted to the Headteacher outlining the facts and conduct of the matter to date.

3. STAGE 2: Referral to the Headteacher

3.1 Introduction

This is the next stage of the complaints process.

3.2 Informal discussion with Headteacher

Before proceeding with any investigation, the Headteacher will meet or speak with the parent/carer and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the parent's/carer's complaint will be dealt with by this policy or another procedure or procedure and advise them on what they will need to do. For further guidance on this issue see Section 1.1 above.

3.3 Submitting a formal complaint

By this stage it will be clear whether the concern is a definite complaint which will be dealt with according to this policy and will be formally submitted in writing to the Headteacher. The form appearing in Annex 2 to this policy is to be completed in full by the Complainant.

3.4 Acknowledgement and time scales

The Headteacher will formally acknowledge the complaint within 3 school working days of receiving it and begin an investigation.

3.5 The investigation

The Headteacher will need to investigate the complaint and review any relevant documentation and information. If necessary, the Headteacher will interview witnesses and any relevant third parties and take statements from those involved. If the complaint centres around a student, the student will also usually be interviewed.

When students are interviewed, it may be appropriate for another member of staff to attend.

3.6 Response

The Headteacher will provide the complainant with a full written response within 10 school working days of

acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken.

3.7 Options for complainant

If the parent/carer is dissatisfied with the response they have been given and would like to take their complaint further, they will be referred to the school's complaints policy and told how to move on to the next stage.

4. STAGE 3: Formal Complaint

4.1 Introduction

Complaints only rarely reach this formal level.

Upon receiving a formally submitted complaint at this stage the Chair of Governors will usually choose to deal with it by holding a complaints committee hearing. However, in some cases, it may be possible and appropriate for the Chair of Governors to resolve the issue with the complainant by other means without the need for a complaints committee hearing. Such a case may be where there has been a breakdown in communication and an alternative resolution may be effected more rapidly in the interests of all parties.

The complaints committee hearing must be clerked. The clerk may be a member of the school staff, the clerk to the governing body or another governor (but not a Staff Governor).

This is the first stage under which a formal complaint about the Headteacher will be dealt with.

Annex 1 summarises the key roles and responsibilities of the complaints committee.

4.2 The committee

The committee will generally consist of three governors who have not previously been involved with dealing with the complaint. The committee will elect its own chair.

4.3 Submitting a formal complaint

The complainant must submit a written request to the Chair of governors for their complaint to be considered by a complaints committee. The request is to be accompanied by the form previously submitted to the Headteacher at Stage 2 of this procedure.

4.4 Acknowledgement and time scales

The Chair of Governors will acknowledge receipt of the Complaint within 5 school working days by writing to the complainant. This letter will inform them that their complaint will be heard by a complaints committee within 15 school working days of the complaint being lodged.

4.5 Preparation

The Chair of Governors will then contact the clerk and ask him or her to begin making preparatory arrangements.

The clerk will convene a meeting of the complaints committee. The membership of the complaints committee will be confirmed, a date and time will be arranged for a hearing and all relevant documentation (see further below) will be given to the three appointed governors. This documentation will represent the full documentation to be reviewed at the hearing and no further documentation or evidence can then be submitted at the hearing.

The clerk will then formally write to each of the complainant and the Headteacher and inform them:

- Of the date, time and venue of the hearing;
- Of the aims and objectives of the hearing and how it will be conducted;
- That any documentation they wish the committee to consider must be returned to the Clerk no later than 5 school days before the hearing takes place;
- Of the rights of equal access, accompaniment and representation as set out within this document;
- How and when the committee will reach their decision.

It is the responsibility of the clerk to ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

4.6 The hearing

The hearing will allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The hearing will, therefore, usually operate according to the following format:

- The chair will introduce all parties to one another and explain the principles, objectives and format of the hearing
- The complainant will be given the opportunity to explain their complaint. Following this the Headteacher and the complaints committee will be allowed to ask the complainant questions.
- The Headteacher will then be given an opportunity to explain the school's official response, interpretation or view about the complaint. Following this the complainant and committee will be allowed to question the Headteacher.
- The Headteacher and the complainant will both be given the chance to give final statements.
- The hearing will be concluded by the chair who will explain that the committee will consider its decision and write to both parties within 5 school days informing them of the outcome.

Ultimately, the chair of the meeting has control and discretion over proceedings of any hearing.

4.7 After the hearing

The committee will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or a majority decision, on the complaint;
- Decide upon the appropriate action (if any) to be taken;
- Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to reduce the likelihood of problems of a similar nature happening again.
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4.8 This information will be included in both the letters to the Headteacher and the complainant. **Options for complainant**

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they will be referred to the school's complaints policy and told how to move on to the next stage.

5. Stage 4: Further Complaint

5.1 Introduction

Complaints very rarely reach this level.

Complainants considering this possibility are encouraged to contact the Department for Education (DfE) and complete an online complaint form via the following weblink:

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school>

5.2 Submitting a further formal complaint

Complaints may be submitted, in writing, to the following address:

*The Department for Education
Education Funding Agency (EFA)
53-55 Butts Road
Earlsdon Park
Coventry
CV1 3BH*

This written complaint must include the following information:

- Details of the original complaint (including documentation);
- The judgement and action taken by the governing body;
- Reasons for believing that the original complaint was not dealt with fairly and in accordance with the school's complaint's procedure;
- The expected or desired outcome.

Annex 1

Key Roles and Responsibilities of the Complaints Committee

The Role of the Clerk

The clerk organises the complaints committee review. He or she will need to:

- Set the date, time and venue of the review, 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 parties in advance of the review;
- Meet and welcome the parties as they arrive at the review;
- Record the proceedings;
- Notify all parties of the committee's decision.

The Role of the Chair of the Complaints Committee

The chair of the complaints committee has a key role. He or she will need to ensure that:

- The remit of the committee 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 speak in such proceedings are put at ease;
- The review is conducted in an informal manner with each party treating the other with respect and courtesy;
- The committee is open minded and acting independently;
- No member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties.

The chair of the complaints committee needs to ensure that the complainant is notified of the committee's decision, in writing, with the committee's response within 5 school days. This written response will be drawn up and sent by the Clerk to the Governors in accordance with the Chair of the committee's direction. This letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Annex 2

School Complaints Form

This form applies to Stage 2 and beyond of the school's Complaints Policy only.

Please complete and return to the Clerk to the Governors at the school who will acknowledge receipt and explain what action will be taken.

Your Name			
Pupil's Name:		Pupil's DOB:	
Your relationship to the pupil:		Date of lodging complaint:	
Address:			
Postcode:			
Daytime telephone number:			
Evening telephone number:			
Please give details of your complaint:			
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?			

What actions do you feel might resolve the problem at this stage:

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date of receipt:

Date acknowledgement
sent:

By who:

Complaint referred to:

Date: