



# ***COMPLAINTS PROCEDURE***

Approved by Governing Body June 2016

## **INTRODUCTION**

The following procedures should not be used for complaints that fall under existing statutory procedures and are therefore covered by other documentation:

- Curriculum
- Sex education
- Admissions
- Exclusions
- Special educational needs
- Staff grievances
- Child protection
- Whistleblowing
- Services provided by other providers who may use the school premises or facilities

## **GENERAL PRINCIPLES**

This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides. An anonymous concern or complaint will not be automatically disregarded. It will be at the discretion of the Headteacher or governing body as to whether an anonymous complaint warrants investigation. To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event being complained of, will not be considered.

## **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 is generally defined as *an expression of dissatisfaction however made, about actions taken or a lack of action.*

## **RAISING A CONCERN OR COMPLAINT**

### **Informal Stage**

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment requested via the school office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. The member of staff concerned may decide that

it would be appropriate to have another member of staff present at this meeting; this may or may not be a senior member of staff.

In the case of serious concerns it may be appropriate to address them directly to the Headteacher (or to the Chair of the governing body, if the complaint is about the Headteacher). If you are uncertain about whom to contact, please seek advice from the Headteacher or Chair of Governors. Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act on individual complaints outside the formal procedure, or be involved at the early stages, in case they are needed to sit on a panel at a later stage of the procedure.

## **Formal Stage**

### **Stage 1**

- 1.1. Complaints at this stage need to be recorded in writing. Complainants may wish to write in themselves. However, a complainant may also make their complaint verbally and help will then be given to put their complaint in writing.
- 1.2. The Headteacher [or designated person] will acknowledge the complaint in writing within five working days of receiving the written complaint. The acknowledgment will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of twenty working days unless it is a particularly complex issue.
- 1.3. The Headteacher will provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if he/she wishes, he/she might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf, or to provide support.
- 1.4. If necessary, the Headteacher will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed unless this is judged not to be in the interest of the pupils' welfare. Pupils should normally be interviewed with parents/carers present; however, if this would seriously delay the investigation of a serious/urgent complaint, or if the pupil has specifically said that he/she would prefer that parents/carers were not involved, another member of staff with whom the pupil feels comfortable should be present.
- 1.5. If a member of staff is complained against, they must have the opportunity to present their case.

- 1.6. The Headteacher will keep written records of meetings, telephone conversations and other documentation.
- 1.7. Once all the relevant facts have been established as far as possible, the Headteacher will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should he/she wish to take the complaint further, he/she should notify the Chair of Governors within twenty working days of receiving the letter.
- 1.8. If the complaint is against the Headteacher, or if the Headteacher has been closely involved in the issue, the Chair of Governors will carry out the Stage 1 procedures.

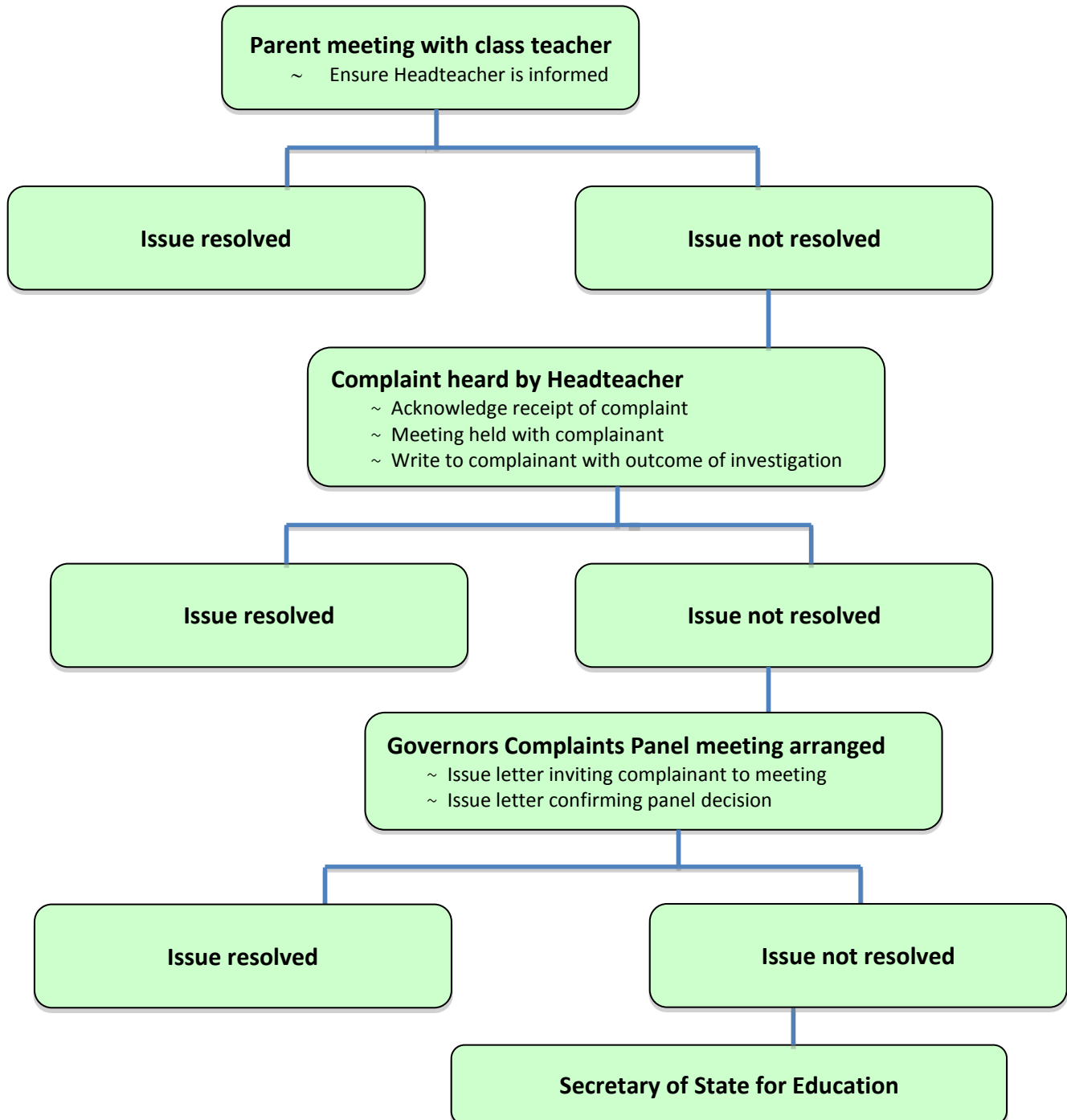
## **Stage 2**

- 2.1 Should the complaint not be resolved through the above process, the complainant should complete the Complaint Review Request Form [Appendix B] and return it to the Headteacher [or the Chair of Governors if the complaint is about the Headteacher].
- 2.2 The Chair or nominated Governor will convene a Governing Body Complaints Panel. The Governors' appeal hearing is the last school-based stage of the complaints process and is not convened to merely rubber stamp previous decisions.
- 2.3 The Chair of the panel will ensure that
  - ~ All written material is seen by all parties.
  - ~ All parties are given the opportunity to consider and comment on any new issues which might arise.
- 2.4 The remit of the Governing Body Complaints Panel  
The panel can:-
  - ~ Dismiss the complaint in whole or in part.
  - ~ Uphold the complaint in whole or in part.
  - ~ Decide on the appropriate action to be taken to uphold the complaint.
  - ~ Recommend changes to school systems or procedures to ensure that problems of a similar nature do not recur.
- 2.5 A written statement clearly setting out the decision of the Panel will be sent to the complainant and the Headteacher.
- 2.6 All parties must treat the hearing of the Governing Body Complaints Panel and all documentation as confidential.

If the complainant is unhappy with the findings of the panel they can appeal to the Secretary of State for Education, on the grounds that the Governing Body has failed to discharge a statutory duty or that the Governing Body had acted, or was proposing to act, unreasonably. Further information is available at [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints)

### Flowchart

#### Summary of Dealing with Complaints



**Appendix A**

**Formal Complaint Form**

**Please complete this form and return it, via the school office, to the Headteacher.**

**[If the complaint is about the Headteacher, please return form to the Chair of Governors, via the school office].**

Your name:-

Relationship with school [e.g. parent of a pupil on the school roll]:-

Pupil's name [if relevant to the matter to be discussed]:-

Your address:-

Telephone numbers:-

Daytime:-

Evening

Please give concise details of your complaint [including dates, names of witnesses etc.] to allow the matter to be fully investigated:-

*You may continue on separate paper, or attach additional documents, if you wish.*

Number of additional pages attached:-

What action, if any, have you already taken to try to resolve your complaint? [i.e. who have you spoken with or written to, and what was the outcome?]

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

Signature ..... Date .....

School use

Date form received ..... Received by .....

Date acknowledgement sent ..... Acknowledgement sent by .....

Complaint referred to:-			
Date:-			

**Appendix B**

**Complaint Review Request Form**

Please complete this form and return it to Headteacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:-

Relationship with school [e.g. parent of a pupil on the school roll]:-

Pupil's name [if relevant to the matter to be discussed]:-

Your address:-

Telephone numbers:-

Daytime:-

Evening

Dear Sir/Madam,

I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from ..... on .....

I have attached copies of my formal complaint and of the response{s} from the school.

I am dissatisfied with the way in which the procedure was carried out because

*You may continue on separate paper, or attach additional documents, if you wish.*

Number of additional pages attached:-



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

Signature ..... Date .....

School use:-

Date form received ..... Received by .....

Date acknowledgement sent ..... Acknowledgement sent by .....

Request referred to:-			
Date:-			

## Appendix C

### Guidance for Staff on Complaints Handling

#### **1. Procedures should be as speedy as possible – consistent and fair to all.**

Each stage of the procedure should have known time limits. Where it is not possible to meet these, the complainant should be kept informed of progress.

#### **2. Support for complainant**

It is important that parents know that at any stage of the procedure they can be accompanied by a friend, relative or representative and to know where they can go for information, advice and advocacy, if required.

#### **3. Support for staff**

Staff complained about must be treated fairly. They should have the opportunity to put their case and receive appropriate support; a colleague may accompany them at any stage but it would not be appropriate to involve someone from outside the school from whom confidential pupil information should be withheld. There is a crucial balance to be maintained between supporting the individual so that his/her rights are maintained and reputation protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this will need to be made clear to all concerned. However there may be occasions where a complaint leads to a disciplinary procedure which puts the complaints process on hold. If so, the complainant should be informed of this, without going into details, and updated regularly on likely further delay. After the disciplinary process is completed it will be necessary to decide what further response to the complainant is required.

#### **4. Confidentiality**

It is very important to treat all concerns and complaints with discretion. It is vital that parents feel confident that their complaint will not penalise their child.

However, a complainant will need to be aware that some information will have to be shared with those involved in order that the complaint can be investigated.

#### **5. Anonymous complaints**

Anonymous complaints should not be automatically disregarded. They may relate to a serious issue that may subsequently resurface. It should be at the Headteacher's or Governing Body's discretion as to whether the gravity of an anonymous complaint warrants an investigation. A copy of every anonymous complaint and note of the decision should be retained on file.

#### **6. Remedy**

If the outcome of the complaints procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is upheld together with an appropriate apology. It may be appropriate to offer one or more of: an explanation, a promise that the event complained of will not recur, an undertaking to review school policies or practices in the light of the complaint, or, in appropriate circumstances, financial redress. Fear of litigation should not prevent a school from admitting to parents when mistakes have been made, but it is recommended that advice be sought if the complainant threatens legal action.

#### **7. Staff Awareness and Training**

All staff should be aware of the procedures, as potentially many will be involved with handling complaints, especially at the informal level. All staff should also have clear information about individual staff roles and responsibilities so that parents do not get continually passed from one to another.

#### **8. Record Keeping**

Complaints should be recorded and monitored regularly by staff and governors. It is recommended that recording should begin at the point when an initial concern or complaint cannot be resolved immediately but needs some investigation and/or consultation with others in school and a subsequent report back to the parent.

Recording at the earliest stage need only be a very basic record of the complaint, giving the date, name of parent and general nature of the complaint. A pro-forma or a "comments and complaints" book could be used. Whatever system is used, it should be consistent and understood by the staff and records retained with due regard for confidentiality.